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Tuesday,
1st May, 1956

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

PARLIAMENT SECRETARIAT
NEW DELHI

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LOK SABHA

Tuesday, 1st May, 1956

The Lok Sabha met at Half Past Ten of the Clock

[MR. SPEAKER *in the Chair*]

Mr. Speaker: The Parliamentary Secretary, Dr. M. M. Das, has become Deputy Minister. I would like to formally introduce him to the House.

Dr. Lanka Sundaram: He has become a private Member after becoming a Minister! He is here by our side.

ORAL ANSWERS TO QUESTIONS

बर्मा में भारतीय

*१८३४. **श्री भक्त दर्शन** : क्या **प्रधान मंत्री** यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि पिछले महायुद्ध में अनेक भारतीयों को बर्मा में बहुत हानि उठानी पड़ी थी;

(ख) यदि हां, तो ऐसे भारतीयों की कुल संख्या कितनी है और उन्होंने कुल कितनी अनुमानित हानि उठाई थी; और

(ग) उन भारतीयों की हानि की क्षतिपूर्ति कराने की दिशा में अब तक क्या कार्यवाहियां की गई हैं और उन में कहां तक सफलता मिली है ?

वैदेशिक-कार्य मंत्री के सभा-सचिव (श्री सादत अली खां) : (क) जी हां।

(ख) ऐसे भारतीयों की संख्या का पता नहीं है और न बर्मा सरकार ने कोई आंकड़े ही छापे हैं। १९४१ की कीमतों के आधार पर आंकी गई १५ करोड़ पौंड स्टर्लिंग की कुल अनुमानित हानि में से जो हानि बर्मा के मूल भारतीय लोगों ने उठाई थी, उसका अनुमान लगभग ७ करोड़ ३० लाख पौंड स्टर्लिंग है।

(ग) पिछले सालों में भारत सरकार ने यूनाइटेड किंगडम सरकार से लिखा-पढ़ी की थी और बाद में बर्मा सरकार से भी की थी। जहां तक भारत सरकार को पता है, बर्मा सरकार ने अभी तक उन लोगों को मुआविजा अदा करने के बारे में कोई ठोस कदम नहीं उठाया है, जिन्होंने बर्मा में पिछली लड़ाई के दौरान में नुकसान उठाया था।

श्री भक्त दर्शन : क्या माननीय संसदीय सचिव के उत्तर से यह अर्थ लगाया जाये कि इस सम्बन्ध में कोई आशा ही नहीं की जा सकती, या यह कि लिखा पढ़ी करने से कुछ मिलने की उम्मीद की जा सकती है ?

श्री सादत अली खां : यह बताना तो मुश्किल है, मगर जहां तक मैं समझता हूं बर्मा सरकार से मुआवजा मिलने की कोई खास उम्मीद तो नहीं की जा सकती।

श्री भक्त दर्शन : क्या गवर्नमेंट के नोटिस में यह बात आयी है कि बहुत से भारतीयों ने बर्मा में अपने सारे जीवन की कमाई लगा दी थी और वहां से वह लोग बिल्कुल बरबाद होकर यहां आये हैं, और क्या इस वजह से उनके पुनर्वास अर्थात् रिहैबिलिटेशन के बारे में कोई कदम उठाया गया है या उठाये जाने का विचार किया जा रहा है ?

श्री सादत अली खां : यह बात तो दुरुस्त है कि उनकी हालत अफसोसनाक है, मगर जहां तक रिहैबिलिटेशन का सवाल है मैं इस वक्त ठीक तौर से कुछ नहीं बतला सकता। अलबत्ता दरियाफ्त करके बतला सकता हूं।

Dr. Lanka Sundaram: Is the Parliamentary Secretary aware of the fact that whenever representations were made about the recovery of these losses—and I understand there are thousands and thousands of them—the uniform answer is given by the External Affairs Ministry that these

losses and claims on them must be referred to the Burma Government and that the Government of India cannot do anything at all?

Shri Sadath Ali Khan: That is true.

Dr. Lanka Sundaram: If that is true, when do the Government of India propose to take up the question of arriving at a settlement, at government-to-government level, of the claims which have so far been submitted to the External Affairs Ministry?

Shri Sadath Ali Khan: We had advised these people to contact the Burma Government directly; and no useful purpose, it seems, has so far been served by that.

Shri B. S. Murthy: May I know whether the late Mr. Aung San, Prime Minister of Burma, made a promise to the Indian residents of Burma that their losses will be looked into and then compensation will be made as and when Burma was able to do it; and, if so, whether the Government of India has taken advantage of this promise?

Shri Sadath Ali Khan: I do not know about Mr. Aung San, but I know that in February 1946 the British Government of Burma of those days constituted a War Damage Commission to register and assess war damage claims, though there was no commitment—because they did not accept any legal liability for war damage compensation. And later on, apart from this war damage claims body, there were claims in respect of both insured goods and those under the Burma War Risk Insurance Rules, 1941. The War Risk Insurance Board considered a large number of claims and paid out substantial sums of money where the claims were considered valid. The Board was, however, abolished from the end of February, 1947, as the Government of Burma felt they were not responsible for those claims.

Dr. Lanka Sundaram: In view of the fact that thousands upon thousands of Indian claimants are running between pillar and post, so to speak—the External Affairs Ministry, the Indian Embassy in Rangoon and the Burma Government,—is there any proposal under the contemplation of the Government of India to adopt the well known international principle of a government-to-government approach so that an early and honourable settlement of all the claims can be arrived at?

Shri Sadath Ali Khan: As far as I know, I am not aware of any such proposal.

Shri Kamath: Is it not a fact that most of the loss and damage to Indian property in Burma was wrought by the scorched-earth policy of the retreating British forces in 1942 and again by the vengeful, vindictive vandalism of the same forces when they returned in 1945; and, if so, has the British Government been asked to pay the compensation?

Shri Sadath Ali Khan : I do not subscribe to what my hon. friend has just said. Whatever the reasons, the damages took place, because of war and the consequences of war. And, as I have just said, the United Kingdom Government said that they will not accept legal liability to payment of compensation for war damages of the Burmese Government.

Shri Sadhan Gupta: May I know if any of the damages suffered by Indians is attributable to Japanese action and, if so, whether the reparations that the Burma Government receives from Japan include reparations on account of damages inflicted on the property of our nationals?

Shri Sadath Ali Khan: As the hon. Member knows, the Government of Burma had concluded a reparations agreement with Japan under which Japan agreed to pay, I believe, 250 million dollars to Burma, spread over ten years, as reparations for the loss and damage suffered during the last war. The payment is to be made in goods and services.

Dr. Lanka Sundaram: In view of the fact that there are thousands of people who have come back from

Burma and who have become destitute, particularly in Andhra Desh—if the Parliamentary Secretary is not aware, I have sent dozens of cases to the External Affairs Ministry myself,—is there any proposal under the contemplation of Government to rehabilitate these people through assistance given to them at the district level?

Shri Sadath Ali Khan: I am unable to say what actually the Government contemplates in this matter. I cannot give a definite answer at this juncture.

OFFICE OF THE EAST GERMAN TRADE REPRESENTATION

*1836. **Shri S. C. Samanta:** Will the Minister of **Commerce and Industry** be pleased to state whether it is a fact that a second office of the East German Trade Representation is being opened in India?

The Minister of Commerce (Shri Karmarkar): The East German Trade Representation have established their headquarters at New Delhi with branches at Bombay and Calcutta.

Shri S. C. Samanta: What are the grounds given by East Germany for opening another office?

Shri Karmarkar: The ground we accepted was a gesture of goodwill, so that trade may develop between the two countries.

Shri S. C. Samanta: May I know whether there is any trade agreement with East Germany?

Shri Karmarkar: We have not recognised East Germany as a State on the international level, but there is something like an informal trade agreement.

Shri Kasliwal: May I know whether our country proposes to have a Trade Representation in East Germany?

Shri Karmarkar: I think I will have to answer that on notice.

Shri Bhagwat Jha Azad: Save and aside this goodwill gesture, may I know whether in the first part of this year there has been any increase in our trade with East Germany and, if so, by what percentage?

Shri Karmarkar: During 1955-56, April to January, our imports have gone up to Rs. 30 lakhs, as against Rs. 23 lakhs during the whole of 1954-55. And regarding exports there is not much of a development yet, but we hope there will be.

Shri R. P. Garg: May I know if the East German Trade Representation has made any specific offer of capital goods to India?

Shri Karmarkar: I am not aware of any specific offer, but if we like, we can purchase and if they have they can sell.

Shri Velayudhan: There were a lot of delegations and Trade Representations arriving in India from East Germany. Do Government think that it is not necessary to have a Trade Representation in East Germany itself? I would like to know who is looking after the Indian interests there.

Shri Karmarkar: I think when we consider the matter finally, we shall also take this suggestion into consideration.

IMPORT OF IRON ORE BY JAPAN

*1839. **Shri H. G. Vaishnav:** Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Unstarred Question No. 977 on the 23rd December, 1955 and state :

(a) whether Japan has been allowed to import a huge quantity of iron ore from India annually under an agreement between the Government of Japan and the Government of India : and

(b) if so, the terms of the agreement.

The Minister of Commerce (Shri Karmarkar): (a) and (b). No such agreement has been concluded.

Shri H. G. Vaishnav: May I know whether there is an agreement between Japan and India under which India has to supply iron ore to Japan, for the loss that Japan is suffering because of the Goa restrictions?

Shri Karmarkar : No, I do not know anything of that sort.

Shri Shree Narayan Das: Some negotiations were going on with Japan. May I know the stage at which these negotiations are?

Shri Karmarkar: Negotiations in what matter, and in what manner? Does the hon. Member mean negotiations for the compulsory supply?

Shri Shree Narayan Das: In regard to the export of iron ore from India to Japan.

Shri Karmarkar: There are no negotiations as such. They are happy to receive ore from us, and we are happy to send them as much as possible, subject to our requirements being met.

श्री एम० एल० द्विवेदी : क्या मंत्री महोदय यह बतलायेंगे कि अखबारों में जो यह रिपोर्ट निकली थी कि करीब ७ लाख टन आयरन ओर यहां से लद कर जापान जायगा और उसके सम्बन्ध में एक समझौता हो रहा है उसमें कहां तक सचाई है ?

श्री करमरकर : अगर माननीय सदस्य मुझे उस रिपोर्ट का हवाला देंगे तो मैं उसके बारे में कुछ बतला सकूंगा ।

Shri A. M. Thomas: May I know the average annual value of the iron ore exports to Japan at present? May I also enquire whether we are bound to purchase any articles in exchange from Japan on account of these exports?

Shri Karmarkar: So far as export of iron ore to Japan is concerned, during 1956, from January to February, the total quantity of export was 2,22,000 tons, as against 9,12,000 tons during the whole of the year 1955. There is no commitment to send anything.

Shri V. P. Nayar: The iron ores in India have varying contents of iron. May I know whether the ore that is permitted to be exported is subject to any stipulations in regard to the content of iron, that is to say, whether there is any arrangement to see that iron ore having an iron content which is beyond a particular value, should not be exported?

Shri Karmarkar: No. The export of iron ore is in private hands. We have not thought it necessary to put any restrictions either on the high-grade or the low-grade iron ore.

Shri V. P. Nayar : May I know whether Government are aware that iron ore with the highest content of iron, that is roundabout 70 per cent, is not available in such large quantities as to allow us to export it continuously?

Shri Karmarkar : I cannot vouch for the exact percentage of iron content that my hon. friend has mentioned. In any case, always, our exports are allowed, after seeing to it that our internal needs are fully satisfied.

Shri Sarangadhar Das : May I know whether there are any negotiations between some parties from Japan and the Government of Orissa for the export of iron ores from the new mines that have been discovered lately?

Shri Karmarkar: It is perhaps a fact. I do not know. I should like to have notice.

Shri T. S. A. Chettiar: Is it not a fact that good quality iron scrap is being exported from India to Japan especially at a time when we ourselves need it because of shortage?

Shri Karmarkar: Our general policy uniformly has been not to send out anything that is essential for our needs. Regarding the precise quality of the iron scrap, I could not say what is immediately happening. I should like to have notice. But till some time recently, only that scrap was permitted to be exported which

was certified, and which was not required by our local iron and steel consumers.

Shri Kasliwal : May I know whether in recent years, there has been a large increase in the export of scrap iron to Japan?

Shri Karmarkar: I should not think so.....

Shri Feroze Gandhi: That is correct.

Shri Karmarkar : .....but I should like to have notice. I have not yet accepted my hon. friend Shri Feroze Gandhi for my statistics in respect of exports. But taking his suggestion as correct, I should like to have notice, to give a correct answer.

EXPORT OF HEMP

*1845. **Shri S. C. Samanta:** Will the Minister of **Commerce and Industry** be pleased to state :

(a) whether any complaint has been received as regards the quality of hemp exported to foreign countries;

(b) the facilities and the encouragement given to the producers to increase production; and

(c) whether exports have to pass through London?

The Minister of Commerce (Shri Karmarkar): (a) Government have recently not received any complaints against the quality of hemp exported to foreign countries.

(b) There is no specific scheme at present for increasing production of hemp.

(c) Precise information is not available.

Shri S. C. Samanta: May I know the total volume of export this year, and whether it has attained the target of 1939-40?

Shri Karmarkar : The volume of export of this quality of hemp during 1955-56 (from April to February) has been to the tune of 344,000 cwts. as against 430,000 cwts. during the year 1954-55.

Shri S. C. Samanta: With reference to part (b) of the question, may I know whether provision has been made for adequate retting water?

Shri Karmarkar: Regarding retting water, I should like to have notice. The safer course would be to table a question to the Food and Agriculture Ministry.

Shri N. B. Chowdhury: May I know whether the facilities which are given to the jute-growers with regard to retting tanks are also extended to the growers of hemp?

Shri Karmarkar: I have no information on the subject, but the proper answer will come from the Food and Agriculture Ministry who are dealing with this subject in regard to retting water and the growth of hemp.

Shri Velayudhan: In regard to part (c) of the question, may I know whether any enquiry has been made by Government as to the fact that London is controlling the export, with the result that the Indian interests are handicapped?

Shri Karmarkar : Normally when a question is tabled, information is sought for. But at the present moment, it is not available. As soon as it is available, we shall place it on the Table of the House.

Shri Keshavaiengar : May I know whether it is a fact that these exports pass through London, because the United Kingdom guarantees the quality of the stuff exported?

Shri Karmarkar: There is no question of 'because' here. It is because the precise information is not available that we have not been able to place it on the Table of the House. As soon as it is available, we shall lay it on the Table of the House.

Shri Sarangadhar Das: May I know whether these exports are surplus to our internal requirements?

Shri Karmarkar: Yes.

Shri S. C. Samanta: May I know which sort of hemp, the Sunn or the Deccan variety, is more in demand in the foreign countries?

Shri Karmarkar: The bulk of the quantity that I have mentioned just now is called sunn-hemp. Regarding the further sub-classification, I should like to have notice.

Coir Board

*1847. **Shri Shivananjappa:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that steps are being taken to open a show room and sales-depot in New Delhi by the Coir Board;

(b) if so, whether the rules regarding display and sale of coir and coir goods and sales-depots have been framed; and

(c) when these will be opened?

The Minister of Industries (Shri Kanungo): (a) and (b). Yes, Sir.

(c) It is expected that the Show-room and Sales-depot will be opened about six weeks.

Shri Shivananjappa: May I know the expenditure proposed to be incurred on the establishment?

Shri Kanungo: To start with, the expenditure is roundabout Rs. 2,000 a month.

Shri Shivananjappa: May I know whether the Coir Board has conducted a census of coir industrial establishments and spindles in the country?

Shri Kanungo: The production units are known to the Coir Board.

Shri A. M. Thomas: May I know whether the recommendation of the Coir Board to establish show-rooms in important cities of India, and also warehouses for stocking and sale of coir goods has been considered by Government, and if so, what decision has been arrived at on the same?

Shri Kanungo: As a first step, the Delhi show-room is being opened, and another is expected to be opened in Calcutta.

Shri A. M. Thomas: The Minister has answered only in regard to show-rooms. What about the warehouses?

Shri Kanungo: In the Delhi show-room, we shall have a warehouse attached. In Calcutta, it is expected to be so; it will depend upon the place and the expenditure.

Shri Velayudhan: May I know when the Delhi depot was started, and whether anybody who has got some experience of the coir industry has been appointed as officer? May I know whether that post was advertised or not? Who is the officer now? Is it a Punjabi that has been appointed or somebody else?

Mr. Speaker: Order, order. All of them may be good.

Shri Kanungo: The show-room and warehouses have not started yet.

Shri V. P. Nayar: In relation to the opening of the depot, may I know whether it has been brought to the attention of the Central Government that the chairman of the Coir Board issued a press statement to the effect that he was obliged to appoint a particular gentleman as manager on account of the insistent pressure exercised by a gentleman by name, Shri K. P. Madhavan Nair, who is also the secretary of a political party?

Shri Kanungo: I am not aware of the information which my hon. friend possesses.

Shri V. P. Nayar: I shall send it.

Mr. Speaker: Any newspaper report ought not to be made the basis of a question here. The hon. Member will particularly try to avoid giving names. We are not interested in just bringing into ridicule any particular person. We are only interested in getting information, whether there was any pressure applied or not. That I

can understand; it may or may not be true. Therefore, simply because we have got a privilege and we would not be taken to task outside, let us not say anything. We must use this privilege very carefully and guardedly.

Shri V. P. Nayar : I was not referring to a Press report but to a statement made by the Chairman.

Mr. Speaker: He should have omitted to mention the name. Let there be a hundred thousand names. We should use our discretion.

Shri B. S. Murthy: May I know what is the part the State Governments have to play in this show-room business here?

Shri Kanungo: The show-room and warehouse will be run by the Coir Board. It is open to any State Government or any producer of coir goods to take advantage of the services available.

EXPORT OF COTTON TEXTILES

***1848. Shri Bishwa Nath Roy:** Will the Minister of **Commerce and Industry** be pleased to state whether it is a fact that cloth and cotton manufactures packed for consumption in the country have been allowed for export to Tibet, Bhutan and Sikkim without the licence needed for export?

The Minister of Commerce (Shri Karmarkar) : Yes, Sir.

Shri Bishwa Nath Roy: May I know the reason for this export of cloth without licence?

Shri Karmarkar : We treated them, being near India, as part of India, and since cloth was free for export that way, no licence was necessary.

Shri Bishwa Nath Roy: May I know whether Tibet is considered as part of India?

Shri Karmarkar : I did not say that for political purposes. I said that for the purpose of export of textiles, it was considered not necessary to bind them the same way as we bind exports for other destinations.

Shri Bhagwat Jha Azad: Could I know what has been the yardage of cloth allowed to be exported to these countries without any licence?

Shri Karmarkar: I could give my hon. friend the total export figures. In 1955, the quantities exported were as follows: Tibet, 170 bales (each bale consists of 1,500 yards), Sikkim 53 bales and Bhutan, nil. In 1954, the corresponding figures are 3,130 bales, 192 bales and nil bales. For 1956 (up to March only) to Tibet, the quantity is 18-1/4 bales and to Bhutan, nil.

Pandit D. N. Tiwary: Which other countries, like Tibet, are exempted from obtaining licence for export of cloth?

Shri Karmarkar: I have information here about Tibet, Bhutan and Sikkim If the House is interested, I shall read it.

Shri C. D. Pande: Nepal also.

Shri Karmarkar: About Nepal. I should like to have notice.

श्री भक्त दर्शन : क्या गवर्नमेंट के ध्यान में यह बात आई है कि जब से लाइसेंस देने की सुविधा दी गई है तब से तिब्बत का व्यापार बढ़ा है, और इसलिये क्या इस सुविधा को और आगे जारी रखने का विचार किया जा रहा है ?

श्री करमरकर: जी हां, हमने २७ जून, १९५५ के दिन तय किया कि जिस प्रकार हम दूसरे देशों को एक्सपोर्ट (निर्यात) करने के कोई रुकावट नहीं डालते हैं उसी प्रकार इन देशों के लिये भी कोई रुकावट नहीं होनी चाहिये । जो भी कंसेशन (रियायत) दूसरे देशों को दिये हैं वही इनके बारे में भी रक्खे गये हैं और इसमें कोई घबराने की बात नहीं है ।

Shri P. C. Bose: May I know whether Government have got any assurance from these countries that this exported cloth is not re-exported from there?

Shri Karmarkar: There is no necessity of any assurance. The more our exports, the merrier. Why should we put any restrictions in the way of our exports?

Shri N. M. Lingam : May I know if Japan is competing with us in these traditional markets of ours? If so, what steps are being taken to see that our trade is not affected thereby?

Shri Karmarkar : Japanese piecegoods are competing with our piecegoods. As to the precise impact upon these markets, I should like to find out.

Shri Bhagwat Jha Azad : Since the hon. Minister's Ministry has raised a subtle cry of shortage of cloth in the coming years in the country in view of the Ambar Charkha programme, could I know if there will be any stipulation as to the limit of export of such cloth without any licence?

Shri Karmarkar: Should I answer this question? I do not know whether it arises out of this question by any implication.

Mr. Speaker : What the hon. Member evidently wants to know is whether, in view of some statements that have been made about shortage of cloth, it is desirable to permit exports?

Shri Karmarkar : To Tibet, Bhutan etc.?

Mr. Speaker : Either the hon. Minister must know or the questioner must know.

Shri Karmarkar : I very respectfully submit that the question is absolutely irrelevant. I did not want to say it. I wanted guidance from the Chair.

Shri Bhagwat Jha Azad : In view of the fact that it has been stated that there will be acute shortage of cloth in the coming years, I want to know whether any limit has been fixed for the export of cloth to these countries without any licence.

Shri Karmarkar : We shall see about the coming year in the coming year. There is no immediate apprehension of shortage. Therefore, we would like our cloth to be exported as much as possible.

Shri Bishwa Nath Roy : May I know whether, in view of the policy of export of cotton textiles without licence, the decline in cloth exports which occurred last year in comparison with the year before, would be made up?

Shri Karmarkar : The position with regard to these three countries is that there were some restrictions. We had placed them on a par with other countries with regard to export of cloth. But if there were no restrictions, there would be an increase in exports. If there could be an increase in exports without affecting our internal supplies, we would welcome it. The present position is that nothing so critical has happened as a result of cloth exports to these three countries.

AIRFIELD AT ALONG

***1852. Shri Gadilingana Gowd :** Will the **Prime Minister** be pleased to state:

(a) whether all-weather airfield for N.E.F.A. has been opened at Along, the headquarters of the Siang frontier division.

(b) if so, the estimated annual cost of this airfield; and

(c) the uses of the airfield?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) to (c). Yes. This all-weather airfield has just been completed. The estimated costs of annual maintenance is being verified. The new airfield will provide easy communications and facilities for supplies of essential commodities to tribals and N.E.F.A. staff.

Shri Gadilingana Gowd: May I know if the Government have any proposal to construct two more airfields in that area? If so, what are the names of those places where these are likely to be opened?

Shri Sadath Ali Khan : I cannot answer that question now.

Shrimati Khongmen : May I know whether this transport is the only means of transport there?

Shri Sadath Ali Khan : Yes, as far as I am aware.

Shri Bhagwat Jha Azad : In view of the answer 'yes', could I know what further facilities by way of construction of aerodromes are being arranged to facilitate communication in this area?

Shri Sadath Ali Khan: Let this develop first. Then we shall see.

EXPORT DUTY ON MANGANESE ORES

***1853. Shri Deogam :** Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Unstarred Question No. 957 on the 16th September, 1955, and state the reasons why the export duty has not been reimposed when the prices of all grades of manganese ores have gone up by 50 per cent. on an average since the abolition of duty?

The Minister of Commerce (Shri Karmarkar) : It would not be in the public interest to discuss this matter on the floor of the House.

SHIP BUILDING INDUSTRY

***1854. Shri V. P. Nayar:** Will the Minister of **Production** be pleased to state :

(a) whether any proposal was sent by Travancore-Cochin Government to include a Ship Building Industry to be started at Cochin Port or nearabout; and

(b) if so, the action taken thereon?

The Deputy Minister of Production (Shri Satish Chandra) : (a) Yes.

(b) The Travancore-Cochin Government have been assured that while selecting a site for the second shipyard, the claim of that region will receive due consideration.

Shri V. P. Nayar : We are not satisfied with the assurance that our claim will be considered. I wanted to know whether Government are aware that in the matter of setting up a second shipyard, the Cochin harbour has certain advantages which no other port has.

Shri Satish Chandra: All these factors will be considered by the technical consultants, as and when they are appointed, to recommend a site for the location of the second shipyard.

Shri V. P. Nayar: Are Government aware that Cochin is the only major port which is connected by railway and inland water transport, and it is the only region where timber and other materials are available at the cheapest rates in India?

Shri Satish Chandra : These factors will also be considered by the consultants.

Mr. Speaker : When some consultants are going to be appointed to go into this matter, what is the good of giving one argument after the other? The hon. Minister is not going to decide.

Shri A. M. Thomas: May I enquire whether the Ministry of Production has gone beyond an allotment of Rs. 50,000 for the training of some personnel? May I know whether any other concrete step has been taken? May I also know what is the difficulty about skilled personnel, as they are available in Cochin?

Shri Satish Chandra: A sum of Rs. 75 lakhs has been provided in the Second Five Year Plan for the training of technical personnel to man the second shipyard. This training will be given at Visakhapatnam shipyard which is at present the only maior shipyard in the country.

Shri V. P. Nayar : The hon. Minister said that Government has been assured that all consideration will be given to these aspects before the second shipyard is set up. Apart from such considerations as the site of the shipyard, will Government also take into consideration the very peculiar problem of unemployment in Travancore-Cochin State?

Mr. Speaker : Why not the hon. Member submit a memorandum to the committee when it comes?

Shri V. P. Nayar : I wanted to elicit information, that is the purpose of a question.

Mr. Speaker : The hon. Member will wait and see.

Dr. Lanka Sundaram : Is it a fact that, even in advance of arriving at a decision about the place for the second shipyard, the Visakhapatnam shipyard has been instructed to train the personnel; and, if so, what is the scheme and how many people are involved ?

Shri Satish Chandra: As I said, a sum of Rs. 75 lakhs has been provided in the Second Five Year Plan for training extra personnel. A scheme is being evolved for that purpose. Some supernumerary posts will be created; some extra men will be employed and they will be trained at the Visakhapatnam Shipyard. As soon as the decision to start the second shipyard is taken, these men will be shifted and start functioning there.

NEKOWAL INCIDENT

*1855. **Shri N. M. Lingam** : Will the **Prime Minister** be pleased to state :

(a) whether Pakistan has turned down India's demand for compensation for the loss of Indian life in the Nekowal incident;

(b) if so, the ground, on which Pakistan takes its stand; and

(c) what further action the Government of India propose to take in the matter?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) Yes, Sir.

(b) In spite of the finding of the UN Observers that there was indication of a pre-conceived design in which preparation by the Pakistan Border Police was an essential preliminary to a plan, the Government of Pakistan have stated that it is difficult to fix responsibility as the report of the UN Observers is silent on the points as to what was the plan who conceived it and who was responsible for its execution. Nevertheless, the Government of Pakistan have stated that the entire Pakistani Unit involved has been reprimanded and transferred from Nekowal. The Government of Pakistan have further stated that the mere fact that the UN Observers had declared the incident to be a border violation by the Pakistan Border Police would not render Pakistan liable to pay compensation because in the past neither Government had paid compensation in connection with border incidents.

(c) Government have sent a further communication to the Pakistan Government pointing out that the arguments they have raised have little validity.

Shri N. M. Lingam : In view of the fact that the Pakistan Government has said that the verdict of the UN Observer team is not adequate to necessitate payment of compensation, would the Parliamentary Secretary read the text of the verdict of Observer team, for the benefit of this House?

Shri Sadath Ali Khan : In the case of this particular incident, the area in which this incident took place has been mentioned in the UN Observers' report. I quote the words :

> "The state of the area as subsequently observed in which the Indians were caught, its tactical disadvantage to them and the damage to the tractors indicate preconceived design in which preparation by the Pakistan Border Police was an essential preliminary to a plan."

Shri Gidwani : In view of the fact that the Government of India had previously demanded a sum of Rs. 3 lakhs as compensation and that the offenders should be suitably punished, may I know whether the Prime Minister, in the recent letter which he has written to the Pakistan Government, had made similar demands; and, when was that letter written?

Shri Sadath Ali Khan : We reiterated our demand and we tried to point out to them that their arguments are not valid.

Shri Kasliwal : In view of the fact that the refusal of the Pakistan Government to give compensation for this incident is tantamount to a clear breach of international law and morality, may I know, whether Government would move the International Court of Justice in this matter?

Shri Sadath Ali Khan : That I cannot say. But, I must say that the Prime Minister of Pakistan had ignored the fact that compensation in such cases is not paid merely because there is an agreement between the two countries concerned, but according to international law also; and that the Government of India had already expressed their willingness to pay compensation in cases where it is established that there has been violation on our side or that we had started any incident, whereas they, on their part, totally refused to consider this matter.

Shri N. M. Lingam : Since this is not the first occasion that Pakistan has shown scant regard for international decency.....

Mr. Speaker : What is the question? A number of hon. Members want to put questions. Therefore, the preamble may be cut off.

Shri N. M. Lingam : There can be no question without a preamble.

Mr. Speaker : He may put the question without the preamble.

Shri N. M. Lingam : As the Government think that no useful purpose would be served by merely sending protests to Pakistan, do they contemplate taking this matter to an international body like the U.N.O., since it involves international relationship of the countries?

Mr. Speaker : One hon. Member asked about the International Court of Junstice; another hon. Member asks about the U.N.O. The Parliamentary Secretary said that he does not know.

Dr. Ram Subhag Singh: It was said that the Pakistan Government has argued that neither Government in the past accepted any claim. May I know when the Government of Pakistan had made any claim in regard to any incident, and, if so, whether the Government of India is also going to adopt the same attitude as the Pakistan Government?

Shri Sadath Ali Khan : I am not aware that the Pakistan Government has made any claim for compensation. But, I said that if they make any claim for compensation and if we think that those claims are justified, we will certainly meet their demands. The position now is only hypothetical.

Dr. Ram Subhag Singh : While considering their claim, will the Government of India also adopt a similar attitude?

Shri Sadath Ali Khan : Certainly.

Pandit D. N. Tiwary: In reply to a question on a previous occasion whether the Pakistan Government has ever demanded any compensation from the Government of India, it was said that never was any demand made by Pakistan. May I know whether any demand had now been made by Pakistan?

Shri Sadath Ali Khan : I merely said that I was not aware of any demand made by Pakistan. I did not say any demand was not made. I cannot add anything more to what I have just now said.

Shri C. D. Pande : As it seems that there is no possibility of obtaining any satisfaction through judicial or arbitration channels, what proposals have Government in mind to get satisfaction from Pakistan?

Shri Sadath Ali Khan : Patience and perseverance.

INDO-PAKISTAN CANAL WATER AGREEMENT

*1857. **Shri B. S. Murthy** : Will the Minister of **Irrigation and Power** be pleased to state :

(a) whether Pakistan has withheld payments due to India under the Inter-Dominion Agreement of May 4, 1948, governing Canal Waters;

(b) the total amount involved ; and

(c) the steps taken to realise the amount?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) Yes, Sir.

(b) The total amount involved is as follows:

Disputed ..... Rs. 70,22,705.

Undisputed ..... Rs. 47,02,231.

(c) The matter has been taken up with the Government of Pakistan.

Shri B. S. Murthy: When was the matter taken up with the Pakistan Government ?

Shri Hathi: A few months back.

Shri B. S. Murthy : Where does it stand today?

Shri Hathi : They have paid up to June 1955, the undisputed amount ; they are in arrears only from June 1955 to 1956. They have intimated that they have issued instructions to pay up the amount.

Shri Gidwani : May I enquire whether water is still being given to Pakistan or it has been stopped?

Shri Hathi : Perhaps the hon. Member asked whether supply of water to Pakistan has been stopped. We have not stopped the supply of water to Pakistan.

Dr. Ram Subhag Singh : Throughout the country the Government is very prompt in realising canal water rates from the cultivators here. May I know what prevented the Government from realising canal water rates from the Government of Pakistan year by year?

Shri Hathi: As I already said, they have paid the undisputed amount till June 1955. For this year they have already informed us that they have instructed the West Pakistan Government to pay up the amount.

Shri N. B. Chowdhury: May I know the reaction of the arbitrators of the World Bank to the latest development in the attitude of Pakistan?

Shri Hathi: This is a very broad question.

Shri B. S. Murthy : May I know whether there is any truth in the Press statement that the Pakistan Government refuses to pay the amount?

Shri Hathi: As I mentioned, they have paid the undisputed amount till June 1955. From June 1955 to 1956, they have not paid. We have asked them to pay up this amount. The Central Government of Pakistan have informed us that they have instructed the West Pakistan Government to pay up this amount.

राष्ट्रीय विकास परिषद

*१८६१. **श्री के० सी० सोंधिया** : क्या **योजना** मंत्री यह बताने की कृपा करेंगे कि क्या राष्ट्रीय विकास परिषद् ने यह निर्णय किया है कि प्राप्त साधनों से देश के कम विकसित क्षेत्रों की विशेष आवश्यकताओं पर विशेष ध्यान दिया जाये और सिफारिश की है कि देश के अलग अलग भागों के विकास के अन्तर को ध्यान में रखा जाये ?

सिंचाई और विद्युत उपमंत्री (श्री हाथी) : जी हां । इस सम्बन्ध में खास सिफारिशों का उल्लेख द्वितीय पंचवर्षीय योजना के मसविदे के प्रथम अध्याय २८वें परिच्छेद में किया गया है ।

श्री के० सी० सोंधिया : इस निश्चय को कार्यान्वित करने के लिये क्या सरकार ने देश के पिछड़े हिस्सों की कोई एक सूची बनाई है ?

श्री हाथी : ऐसी कोई सूची तो नहीं बनाई है लेकिन आम तौर पर सरकार को पता है कि कौन कौन से प्रदेश में ऐसी हालत है ।

Shri A. M. Thomas: The principle of doing regional justice has been recognised in the draft of the Second Plan. May I enquire whether there is any sub-committee of the National Development Council or any other machinery to scrutinise whether, as a matter of fact, regional justice is being meted out?

Shri Hathi: In fact, plans for the the various States have been discussed by the Planning Commission with the officers of the Government of India and the State officials and then only the plans are finalised.

Shri B. S. Murthy: May I know whether it is a fact that agency areas have received special attention of the Council, and if so, what is the decision?

Shri Hathi: That is a body which advises, meets and consults. The draft Plan is not yet finalised.

Shri R. P. Garg: In view of the fact that the Government is giving special attention to the specific needs of the under-developed areas, may I know if the Government has drawn up a list of under-developed areas and also if Himachal Pradesh is included in it?

Shri Hathi : No specific list has been drawn up, but the Government is aware as to what are the areas which require special needs.

श्री भागवत झा आजाद : यह द्वितीय पंचवर्षीय योजना में जो यह सिद्धान्त मान लिया गया है कि देश के कम विकसित क्षेत्रों की विशेष आवश्यकताओं पर विशेष ध्यान दिया जाये और उनका उत्थान किया जाय, तो उस सिद्धान्त को कार्य रूप देने के लिये कौन से आपके पास उपाय अथवा तरीके हैं ?

Shri Hathi: If the hon. Member goes through the paragraph that I have mentioned, he will find that it gives the various methods and the criterion how these regions would be developed and what priority would be given to them.

Dr. Suresh Chandra: May I know whether the Government is consulting Members of Parliament from the backward regions before deciding this issue?

Shri Hathi: I think the Members of Parliament are being consulted.

Shri Joachim Alva: Is it not true that despite this promise to develop under-developed areas, out of the large amounts set apart for the Second Five Year Plan, not one rupee is being spent either to renovate old Railway lines or to develop new lines in the newly proposed Karnataka or Mysore State?

Shri Hathi: In the Second Five Year Plan?

Shri Joachim Ilva : Yes, in the Second Five Year Plan.

Shri Hathi: The Plan is not finalised.

श्री भक्त दर्शन : क्या मैं जान सकता हूं कि नेशनल डेवेलपमेंट कौंसिल (राष्ट्रीय विकास परिषद्) या प्लानिंग कमीशन का ध्यान स्टेट्स रिआर्गेनाइजेशन कमीशन (राज्य पुनर्गठन आयोग) की उस सिफारिश की ओर भी आकर्षित हुआ है कि पिछड़े हुए इलाकों का विकास करने के लिये वहां पर स्पेशल डेवेलपमेंट (विशेष विकास बोर्ड) बोर्डस बनायें जायं और क्या इस सम्बन्ध में कोई निश्चय किया गया है या कोई कदम उठाने का निश्चय किया जा रहा है?

Shri Hathi : That will be taken into consideration.

Dr. Raj Subhag Singh: May I know whether the special needs of the under-developed areas also include the development in the tone and temper of administration of those areas?

Mr. Speaker : The Irrigation Ministry is not in charge of that matter.

Now I will take up the questions that have not been put because the Members were absent.

Dr. Lanka Sundaram: May I request you, in public interest to allow Q. No. 1844 to be answered? It relates to Portugal's case before the International Court.

Mr. Speaker: Before that, I think there is Q. No. 1835, for which Shri Bhakt Darshan has got authority.

Shri Kasliwal: I have got authority for Q. No. 1835 of Shri Krishnacharya Joshi.

Mr. Speaker: I accept the authority of both.

ALL INDIA HANDICRAFTS BOARD

*1835. **Shri Bhakt Darshan (On behalf of Shri Krishnacharya Joshi):** Will the Minister of **Production** be pleased to state:

(a) whether the All India Handicrafts Board has considered questions of general developments and of specific schemes in particular handicraft industries during 1955;

(b) if so, what are the general development schemes that are going to be implemented; and

(c) whether State Governments are co-operating with the Board in these schemes?

The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey): (a) Yes.

(b) A statement showing the schemes for development of handicrafts sanctioned during 1955-56 is laid on the Table of the House. [*See* Appendix XI, annexure No. 1].

(c) Yes.

श्री भक्त दर्शन : क्या गवर्नमेंट को इस बात से संतोष है कि जब से यह आल इंडिया हैंडीक्राफ्ट्स बोर्ड (अखिल भारतीय वस्तकारी बोर्ड) बनाया गया है तब से हैंडीक्राफ्ट्स के विकास में काफी संतोषजनक प्रगति हो रही है और क्या इसके बारे में सरकार समय समय पर विचार करती रहती है ?

श्री आर० जी० दूबे : गवर्नमेंट यह बात महसूस करती है कि इस बारे में जितनी तरक्की होनी चाहिये थी, उतनी तरक्की नहीं हो सकी है और इसीलिये सेकेंड फाइव इयर प्लान (द्वितीय पंच-वर्षीय योजना) में अलग अलग स्टेट्स को और अधिक आर्थिक सहायता दिये जाने के बारे में सोचा जा रहा है और डाइरेक्टर आफ इंडस्ट्रीज (उद्योग महानिदेशक) के पर्सनल (कर्मचारियों) में भी काफी वृद्धि की जाने की आवश्यकता महसूस की गई है ।

श्री भक्त दर्शन : राज्य सरकारों को इस मद में जो अनुदान दिये जा रहे हैं, उसका पूरा भार केन्द्रीय सरकार वहन कर रही है या राज्य सरकारें भी उसमें कुछ हिस्सा लगाती हैं और उसके बारे में क्या कोई सिद्धान्त निश्चित किया गया है ?

श्री आर० जी० दूबे : उसका पूरा खर्चा तो केन्द्रीय सरकार बर्दाश्त नहीं कर सकती है लेकिन ज्यादातर ग्रान्ट्स (अनुदान) बढ़ाये जाने की योजना है और साथ ही साथ स्टेट्स गवर्नमेंट्स (राज्य सरकारों) को हिदायतें दी जा रही हैं कि वे अपनी तरफ से भी और अधिक ग्रान्ट्स एलाट (आवंटित) करें ।

Shri A. M. Thomas: I went through the pilot schemes of the Handicrafts Board and also the list of schemes placed by the hon. Parliamentary Secretary on the Table of the House. I do not find in it one State, namely, the Travancore-Cochin State, where I find that the investment of the Handicrafts Board is a big zero. May I enquire what exactly are the factors responsible for this?

Shri R. G. Dubey: It was not possible for the Travancore-Cochin Government on their part to submit any scheme. That is why we could not help this.

Shri Bhagwat Jha Azad: As a result of the various schemes mentioned in this statement, what would be the approximate increase in the production through the handicrafts Board ?

Shri R. G. Dubey: I can give an indication though it is not possible for me to give definite figures. The Board sanctioned various schemes proposed by the State Governments. The amount sanctioned in 1953-54 was Rs. 14 lakhs and all this amount was spent and in 1954-55 the whole of Rs. 16 lakhs sanctioned was spent.

For the current year, details have not come in. In view of these, the production is likely to have increased, though it is difficult for me to assess the exact results.

Shri V. P. Nayar: In answer to a question from Shri Thomas, he said that possibly, the Travancore-Cochin State did not submit a scheme. Now that that Government which did not submit the scheme is not there and the Government of India is administering the State, may I know whether immediate investigation will be made as regards the possibilities in that State?

Shri R. G. Dubey: I am quite sure that the Handicrafts Board will look into that question.

अफ्रीकी देशों को वित्तीय सहायता

*१८४३. **श्री के० सी० सोधिया** : क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि क्या भारत सरकार ने कोलम्बो योजना के अधीन अथवा किसी अन्य प्रकार से किसी अफ्रीकी देश को कोई वित्तीय सहायता प्रदान की है ?

वैदेशिक कार्य मंत्री के सभा-सचिव (श्री सादत अली खां) : जी नहीं । फिर भी, भारत सरकार ने अफ्रीका के कुछ मुल्कों को, उनकी प्रार्थना पर, भारत से इंजीनियर और अन्य तकनीकी (टेक्नीकल) कर्मचारी दिये हैं ।

श्री के० सी० सोधिया : कौन कौन से देशों को यह लोग भेजे गये हैं ?

श्री सादत अली खां : मिसाल के तौर पर सूडान है जहां पर यह लोग भेजे गये हैं ?

श्री के० सी० सोधिया : क्या कोलम्बो प्लैन के भीतर अफ्रीका का कोई देश नहीं आता है ?

श्री सादत अली खां : जहां तक मुझे मालूम है अफ्रीका का कोई देश कोलम्बो प्लैन में नहीं आता है । जैसा आनरेबल मैम्बर को पता है जो उसके पहले मेम्बर थे वह हैं आस्ट्रेलिया, कैनाडा, सीलोन, इंडिया, पाकिस्तान, न्यूजीलैंड और मलाया तथा ब्रिटिश बोर्नियो के साथ यूनाइटेड किंगडम । अब उसमें अफ्रीका, जापान और फिलिपाइन भी आ गये हैं ।

Dr. Lanka Sundaram: Sir, will you kindly direct that Q. 1844 may be answered ?

Mr. Speaker: Q. 1844 may be answered.

PORTUGAL'S CASE BEFORE THE INTERNATIONAL COURT OF JUSTICE

*1844. **Shri S. V. Ramaswamy:** Will the **Prime Minister** be pleased to state whether the Government of India have received a copy of the legal grounds on which Portugal's case before the International Court of Justice concerning certain rights of passage over Indian territory to Dadra and Nagar Haveli is based?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): Yes. Portugal in her application to the International Court of Justice has claimed that her rights of passage to Dadra and Nagar Haveli are derived from the following:—

(i) The treaty concluded between Portugal and the Peshwa at Poona in 1779;—Quite some time ago ;

(ii) Local custom observed over the said territories and general custom in the case of enclaves ; and

(iii) General principles of Law relating to rights of access in respect of enclaved property.

Dr. Lanka Sundaram : Has the Government of India accepted these points made by Portugal and if the answer is in the negative, what are the answers given?

Shri Sadath Ali Khan: As regards these points, especially the terms of the treaty of 1779 and the other agreements both between Portugal and England and also between Portugal and the Indian rulers of that period, research is being made into the relevant historical and other documents, and I may tell the House that it would not serve any useful purpose to take up this matter at this stage.

Shri Joachim Alva : Is it not true that the British Government and the Portuguese Government had a treaty

by which the British Government in India retained the right to march into Goa within 24 hours in the case of emergency. Has not the Indian Government which is the successor to the British Government got that right?

Shri Sadath Ali Khan: As I said, all these historical matters and the legal implications are being examined. It would further complicate matters if we are to discuss them now.

Mr. Speaker : If something is beyond the case pending there, then I will allow these questions. What is the subject-matter there—that need not be asked here.

Shri Feroze Gandhi: May I know when Goa is liberated, whether it will be Centrally administered or be a Part C State? Or, will it form part of Maharashtra?

Shri Keshavaiengar rose:—

Mr. Speaker: Order, order, I allowed this question to be taken up and it has also been answered to some extent. The hon. Parliamentary Secretary finds it difficult to pursue the matter. The grounds on which the Portuguese Government lay the claim have been given. That has been answered. The other day the hon. Prime Minister said that they had no jurisdiction and so on. Therefore, in view of the fact that statements have to be filed later on, the hon. Parliamentary Secretary finds it rather delicate to answer these questions at this stage. We shall take it up on some other day in a proper manner.

Dr. Lanka Sundaram : Has the answer been returned by the Government of India to Portugal's claims?

Shri Sadath Ali Khan: I said that this matter was being examined. No answer has yet been sent. ***

Shri Feroze Gandhi: Sir, I wanted to draw your attention to one thing. When, besides the Prime Minister, there are three Ministers in the External Affairs Ministry, may I know why the Parliamentary Secretary is now required to do this shramdan?

Mr. Speaker: The Parliamentary Secretary is for that purpose.

Coal Supply to Madras

***1862. Shri S. V. Ramaswamy:** Will the Minister of **Production** be pleased to state :

(a) the sanctioned quota of coal for private industry in Madras (other than top priority like cement);

(b) the percentage supplied and the percentage lapsed in 1955 ;

(c) the steps being taken to see that the sanctioned quota is fully supplied; and

(d) the period within which the sanctioned quota must be complied with if it is not to lapse?

The Deputy Minister of Production (Shri Satish Chandra): (a) to (d). Information has been called for and will be laid on the Table of the Lok Sabha as early as possible.

Short Notice Question and Answer

Emergency in Calcutta Port

S. N. Q. No. 13. Shri Karmath: Will the Minister of **Labour** be pleased to state :

(a) whether it is a fact that a state of emergency has been declared in Calcutta Port ;

(b) if so, since when; and

(c) in what circumstances and for what reasons?

The Deputy Minister of Labour (Shri Abid Ali) : (a) Yes.

(b) From the 19th April 1956.

(c) From 1954, the working of the Calcutta Port deteriorated owing to indiscipline, violence and goslow started by stevedore workers and matters got so serious that an emergency had

***Expunged, as, ordered by the Chair.

to be declared by the Chairman of the Port Trust in August 1955. There was improvement then and the emergency was allowed to lapse on the 31st March 1956. On the 15th April, pool workers suddenly refused to take bookings on the trivial pretext that payment of mid-month advances of wages did not start that day, which was a Sunday. This led to the holding up of unloading of ships, with results which cannot but be prejudicial to the national interest and the Chairman, with Government's approval, has declared an emergency on the 19th April.

Shri Kamath : From the statement of the Deputy Minister, it is seen that the emergency continued for a period of eight months, from the 1st August 1955 to 31st March this year. During this period, did the Government or the Chairman of the Board take any steps to consider the demands put forward by the dock workers and, if so, with what results?

Shri Abid Ali : The demands of the workers have been referred to the Tribunal.

Shri Kamath : It has been stated that on the 15th April, 1956, the workers suddenly refused to take bookings on the trivial ground—of course it is trivial to the Minister or the Government—that payment of mid-month advances of wages did not start that day, which was a Sunday. Did the authorities promise to pay those wages the next day, that is Monday—I mean the next working day—and in spite of that did the workers go on strike or is it that the authorities did not make any promise to pay those wages the next day?

Shri Abid Ali : Ordinarily, mid-month payments are made on the 15th, 16th, 17th and 18th of the month. The workers were informed that because 15th was a Sunday, Saturday was a holiday and Friday was a half-holiday, payment will start from 16th; that is, the payments will be made on the 16th, 17th, 18th and 19th of the month, and, therefore, we say that the strike was on trivial grounds.

Shri Kamath : Is it that the wages were paid on the 16th and in spite of that the workers went on strike and the emergency was declared on the 19th? I want to know when actually the wages were paid.

Shri Abid Ali : The workers went on strike on Sunday, the 15th and, therefore, there was no question of any payment on the 16th.

Shri Kamath : When was the Government approached by the Chairman of the Board for their approval of an emergency being declared?

Shri Abid Ali : The Government was approached immediately the workers went on strike. The sanction was given and the emergency was declared on the 19th of April.

Shri K. K. Basu : May I know whether the workers were informed before the 15th of April that because of the holidays the payment may not begin on the 15th and that it would begin on the 16th, or, is it that the workers actually went on strike and then the Government came forward with their explanation?

Shri Abid Ali : As a matter of fact, the payment was to start on Monday the 16th. This point is not in dispute. The only point is that the workers wanted that payment should be made on the 15th itself. Even on one previous occasion the payment was made on the following day, that is, Monday, when Sunday was a holiday. Also, there are instances previously when payments were made on Saturday when 15th of the month was a Sunday. But in this case, as I have already submitted, Saturday was a full holiday and Friday was a half-holiday. Therefore, it was not possible to make the payment on Sunday.

Shri K. K. Basu : When the workers went on strike on the 15th, did the Chairman of the Board or the person concerned, inform the workers that 15th being a holiday the payment would begin from the 16th and that they should resume their work? I want to know whether such a request

was made to the workers or whether some retaliatory action was taken when the workers went on strike?

Shri Abid Ali : I believe the workers were informed of this. Of course, they had to be paid and there was no question of delaying payments.

Shri Kamath : Let the hon. Minister get the exact information, Sir. He said that he believes the workers were informed. He may tell us the information later on, if not today; let him tell us tomorrow the correct state of things.

Mr. Speaker : For every supplementary question, if the hon. Minister is not able to answer, I cannot hold it over to the next day.

Shri K. K. Basu : This is a question of facts, Sir. What we feel is, had the authorities tackled the affair more discreetly, the matter would have been settled. We would like to know who is responsible for this failure. It may be that the Minister may not be in the know of it, but the actual person concerned should know it. Therefore, we would like that the Minister should get that information and inform the House.

Shri Abid Ali : Now the strike has been called off. The emergency has not been declared because of payment or non-payment of wages; the emergency has been declared because some of them became violent and 50 ships were held up and there was the risk of the same old question of surcharge coming up again, which was against the national interest. Therefore, the emergency was declared. As a matter of fact, when emergency was declared on a previous occasion, peace prevailed. Because there is an element among these workers which wants to continue tension, because of the withdrawal of emergency, they took advantage of it. As the emergency has been declared now, I believe that peace would prevail.

WRITTEN ANSWERS TO QUESTIONS

Spinning Mills in South India

***1837. { Shri Wodeyar : / Shri Dabhi :**

Will the Minister of **Commerce and Industry** be pleased to state :

(a) whether it is a fact that sixty-five more spinning mills are to be erected in South India with a spindle capacity of seven lakhs;

(b) the number of such spinning mills and spindles that will go to Mysore State; and

(c) the number of labourers who will get employment?

The Minister of Industries (Shri Kanungo) : (a) Yes, Sir; in respect of 65 new units for which licenses were already issued under the Industries (Development and Regulation) Act.

(b) and (c). Three spinning mills involving 34,000 spindles. They would employ about 1,500 workers including unskilled labour.

Technical Personnel for River Valley Projects

***1838. Shri L. N. Mishra :** Will the Minister of **Irrigation and Power** be pleased to state :

(a) whether any assessment of requirements of technical personnel for the River Valley Projects during the Second Five Year Plan has been made; and

(b) if so, the over-all position ?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) Yes Sir.

(b) A statement giving the requisite information is laid on the Table of the House [*See* Appendix XI, annexure No. 2]. The actual requirement will however depend on the phased expenditure.

Central Purchase Organisation

***1840. Shri U. M. Trivedi :** Will the Minister of **Works, Housing and Supply** be pleased to state :

(a) whether any Municipalities or Municipal Corporations made any purchases through the Central Purchase Organisation during 1955-56 ;

(b) if so, their names with amounts of purchases; and

(c) whether Government have taken any steps to popularise this method of purchase?

The Parliamentary Secretary to the Minister of Works, Housing and Supply (Shri P. S. Naskar) : (a) Yes, Sir.

(b) A statement is placed on the Table of the Lok Sabha. [*See* Appendix XI, annexure No. 3.]

(c) Yes, Sir.

LEGATION IN HUNGARY

***1841. Shri Siddananjappa** : Will the **Prime Minister** be pleased to state when the Legation of India will be opened in Hungary?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan) : An advance party is already in Budapest. It is expected that the full complement of officials will be posted soon.

CEMENT PRICES

***1842. Shri K. P. Tripathi** : Will the Minister of **Commerce and Industry** be pleased to state :

(a) what is the level of retail prices obtaining on either side of the Assam link *i.e.*, at Kutihar and Gauhati with regard to Cement which is brought into Assam from outside;

(b) whether the difference is due to normal transport cost or it is on account of abnormal conditions; and

(c) the steps, if any, proposed to be taken to ease the situation?

The Minister of Industries (Shri Kanungo) : (a) A statement is laid on the Table of the House. [*See* Appendix XI, annexure No. 41.]

(b) The difference is mainly due to the cost of transport.

(c) The position can only be eased if Cement Factories are set up in Assam. Government have allowed the establishment of two cement factories in Assam.

AMBAR *Charkha*

***1846. Shri Balwant Sinha Mehta** : Will the Minister of **Production** be pleased to state :

(a) whether it is a fact that Mr. P. H. Bhutta, a member of the Investigating Committee of the technical potentialities of Ambar *Charkha* has invented an eight spindle *charkha* ;

(b) if so, its potentialities and how it works;

(c) its production of yarn per hour;

(d) whether it is power driven or handled by man; and

(e) its approximate cost?

The Deputy Minister of Production (Shri Satish Chandra) : (a) Shri Bhutta of Empress Mills of Nagpur has invented an eight spindle *charkha*. But I would like to state that it has not been possible for Shri Bhutta to act as a member of the Investigating Committee;

(b) to (e). Shri Bhutta is getting his spinning mechanism tested. Data about its performance and cost is not immediately available. It is understood that the *Charkha* can be driven both by hand and electric power.

N.E.F.A.

***1849. Shri Rishang Keishing** : Will the **Prime Minister** be pleased to state :

(a) whether the N.E.F.A. administration ever used the Emergency Labour Requisition Act, 1954 promulgated by the President;

(b) if so, the areas and number of persons affected by the enforcement of the Act; and

(c) the nature of work to be done by the people under the Act?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan) : (a) to (c). The Regulation is meant for requisitioning porters in times of emergency. According to our information the Regulation has not been used so far.

MALAYAN AGENCY

***1850. Shri D. C. Sharma :** Will the **Prime Minister** be pleased to state whether the U.K. Government has approached the Government of India with a formal request for the opening of a Malayan Agency?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): No.

INDUSTRIAL AID SCHEME FOR TRIPURA

***1851. Shri Biren Dutt :** Will the Minister of **Rehabilitation** be pleased to state :

(a) whether any industrialist has approached Government with a scheme for aid under Industrial Aid Scheme for employment of displaced persons in Tripura,

(b) the nature of the scheme; and

(c) the number of schemes examined and expected to be given aid?

The Minister of Rehabilitation (Shri Mehr Chand Khanna): (a) Yes.

(b) The schemes are for the manufacture of spun reinforced concrete pipes, spirits for industrial purposes, pine-apple canning, caffeine for medical purposes, rice husking and oil-crushing, and cotton ginning.

(c) The scheme of spun pipe factory has already been sanctioned and the others are under consideration.

GIRIDIH COLLIERIES

***1856. Shri T. B. Vittal Rao :** Will the Minister of **Production** be pleased to refer to the reply given to Starred Question No. 1072 on the 2nd April, 1956 and state when the examination of the report of the Experts Committee, appointed to go into the question of economic working of the Giridih Collieries, Bihar which was submitted in the first week of December, 1955, is likely to be finalised?

The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey) : Comments of Coal Production and Development Commissioner have been received recently and the decisions on the Committee's recommendations, will be taken as early as possible.

CENTRAL PURCHASE ORGANISATION

***1858. Shri U. M. Trivedi :** Will the Minister of **Works, Housing and Supply** be pleased to state :

(a) whether the Central Purchase Organisation has published any directory in 1955 or 1956 of Government purchases;

(b) the Departments that have approached the Central Purchase Organisation for purchasing directly rather than through Central Purchase Organisation; and

(c) the usual reasons for seeking exemptions?

The Parliamentary Secretary to the Minister of Works, Housing and Supply (Shri P. S. Naskar): (a) No, Sir.

(b) Departments of Government approach the Central Purchase Organisation from time to time for *ad hoc* sanctions for direct purchase and each such request is considered on merits. General sanction for direct purchase has, however, been given to the Railways in the case of specialised equipment such as Locos and Rolling Stock and to the Defence Services for Arms and Ammunition.

(c) The reasons which are generally adduced for being allowed to purchase directly are :

(i) that stores are required to meet an emergent demand on occasions of floods, earthquakes, etc., or breakdown in machinery and plant operation;

(ii) that the specialised types of stores could more advantageously be purchased by the indentor directly where he is in a position to do so; and

(iii) that the stores are required for replenishing the maintenance stocks where there is danger of their falling below the safe minimum, to the detriment of operational efficiency.

SALT

***1859. Shri K. P. Tripathi :** Will the Minister of **Production** be pleased to state :

(a) what is the level of retail prices obtaining on either side of the Assam link *i.e.*, at Kutihar and Gauhati with regard to salt which is brought into Assam from outside;

(b) whether the difference is due to normal transport cost or it is greater implying abnormal conditions; and

(c) the steps, if any, proposed to be taken to ease the situation?

The Deputy Minister of Production (Shri Satish Chandra) : (a) The retail price per seer is as follows :—

Katihar	Rs. 0—2—0
Barpeta	Rs. 0—2—6.

(b) The higher price in Assam is due to higher transport cost on account of the geographical location of the State.

(c) Difficulties of transhipment and transport over Assam Rail Link are attended to as and when required.

MONAZITE DEPOSITS

***1860. Shri S. V. Ramaswamy :** Will the **Prime Minister** be pleased to state whether the reconnaisance survey of the Madras beach disclosed the existence of appreciable quantities of monazite deposits?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): Yes.

CAPITAL INVESTED IN INDUSTRIES BY INDIANS IN FOREIGN COUNTRIES

1608. Chaudhuri Muhammed Shafee : Will the **Prime Minister** be pleased to state :

(a) the total amount of capital invested by Indians in Industries in Burma, Pakistan, Nepal and Ceylon;

(b) whether any restrictions have been imposed on Indian undertakings in these countries; and

(c) if so, the nature of those restrictions and from when they were imposed?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : (a) No estimate of the capital invested by Indians in Industries in Pakistan and Ceylon is available. Even with regard to Burma and Nepal estimates are not too reliable but it is reckoned that the capital invested by Indians in industries in Burma is nearly Rs. 2½ crores and in Nepal nearly Rs. 15½ crores.

(b) and (c). There are no special restrictions imposed on Indian undertakings in Burma, Nepal and Ceylon. Subject to existing laws applicable to the establishment of foreign concerns Indians are free to undertake business in these countries. As regards Pakistan there appears to be no restriction on investment of Indian capital but the operation of Indian undertakings is subject to the following restrictions:

(i) Profits earned by Indian undertakings in West Pakistan can be remitted to India only with the prior permission of the State Bank of Pakistan. It is understood however, that such permission is rarely granted.

(ii) Indian employees of Indian undertakings in West Pakistan cannot remit money to their dependents in India without the prior permission of the State Bank of Pakistan. The amount of such remittances allowed by the State Bank of Pakistan generally varies from 10% to 15 of the total emoluments of the individual concerned.

(iii) Whenever any Indian employee of an Indian undertaking in West Pakistan retires or is dismissed, he is

required to be replaced by a Pakistani national. Indian undertakings have also to comply with the various local laws relating to capital issues, repatriation of capital etc.

VILLAGE OIL INDUSTRY

1609. Shri Ram Krishan : Will the Minister of **Production** be pleased to state :

(a) whether it is a fact that the Government of PEPSU have not utilised the amount of Rs. 7,500 sanctioned for the development of village oil industry; and

(b) if so, the action Government propose to take in this direction?

The Minister of Production (Shri K. C. Reddy): (a) and (b). A grant of Rs. 7,500 was sanctioned to the Govt. of Pepsu during 1955-56 in connection with the village oil industry, but was not utilised during that year. For the year 1956-57 the State Government have submitted a scheme involving an expenditure of Rs. 45,200. The amount actually released to the State Government during 1955-56 will be adjusted towards such grant for 1956-57 as may be approved by the Central Govt. in consultation with the All India Khadi and Village Industries Board.

INFORMATION CENTRES

1610. Shri Ram Krishan : Will the Minister of **Information and Broadcasting** be pleased to state :

(a) the total number of Information Centres to be opened during current year; and

(b) the names of sites chosen so far?

The Minister of Information and Broadcasting (Dr. Keskar): (a) and (b). Information Centres have been opened at the Headquarters of Bihar and Uttar Pradesh States since the beginning of the current year and Centres are likely to be opened at the headquarters of Madras, Bombay, Madhya Pradesh and Pepsu States. Centres at the District Headquarters are to be progressively established by the States according to their plans. 71 such Information Centres have been established so far and 221 (including 62 Centres in important towns other than district headquarters in Uttar Pradesh) are likely to be established before 31st March 1957. 695 Centres have been established at Block Headquarters of Community Projects and 500 more are likely to be established before March 1957. The choice of the Block Headquarters is within the discretion of the Community Projects Administration.

Rasta SALT

1611. Shri Balwant Sinha Mehta : Will the Minister of **Production** be pleased to state :

(a) whether it is a fact that *Rasta* Salt is a by-product of Bitterns;

(b) if so, average annual production in maunds of this salt at Sambhar Lake and at other places respectively; and

(c) how it compares in quality with other salts?

The Minister of Production (Shri K. C. Reddy) : (a) No.

(b) The average annual production of *Rasta* salt at Sambhar Lake, which is the only place where it is produced, is about 9,25,000 maunds.

(c) The sodium chloride content of *Rasta* salt is 97·6% as compared to 95·25% to 95·5% of pan salt and kyar salt produced at this source.

COMB PRODUCTION

1612. Shri Deogam : Will the Minister of **Commerce and Industry** be pleased to state :

(a) the value of the imported combs both of plastic and horn separately ;

(b) the countries from which they are imported;

(c) the value of combs made of plastic and horn in this country ;

(d) whether combs are exported from this country; and

(e) if so, the value thereof?

The Minister of Commerce (Shri Karmarkar): (a) Import of combs is not allowed.

(b) Does not arise.

(c) Precise information is not available.

(d) and (e). Information is not available as this item is not separately recorded in the trade statistics.

Technical Aid to Nepal

1613. Shri D. C. Sharma : Will the **Prime Minister** be pleased to state the number of judicial, educational and other technical personnel so far sent to Nepal by the Government of India?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Details of the number of Judicial, Educational and other Technical personnel sent to Nepal under the Technical Co-operation Scheme and Economic Assistance Scheme of the Colombo Plan, both on long term and short term basis, are :—

i. *Personnel sent under Technical Co-operation Scheme of the Colombo Plan :*

Judicial Expert	1
Educational Expert	1
Technical Expert in Forestry, Treatment of Tuberculosis, Telecommunication and Banking	10

Personnel sent under the Economic Assistance Scheme of the Colombo Plan:

3 Assistant Engineers, for minor irrigation work.

4 Assistant Geogogists and about 50 Surveyors and lower technical personnel.

1 Doctor

5 Civil Medical Officers

41 Medical men

5 Teams consisting of 8 to 10 doctors in connection with Eye Relief Camps.

Besides the above, Government of India have sent 3 delegations of two technical personnel each from the Railways Civil Aviation and Hydro-electricity.

Colonies for Displaced Persons From East Pakistan

1614. Shri D. C. Sharma : Will the Minister of **Rehabilitation** be pleased to state :

(a) the number of colonies so far built exclusively for displaced persons from East Pakistan under the various rehabilitation schemes ;

(b) the facilities provided for technical training in these colonies;

(c) whether any industries have been started in any of these colonies; and

(d) whether there are any community projects for these colonies?

The Minister of Rehabilitation (Shri Mehr Chand Khanna) : (a) 645.

(b) and (c). 90 Training schemes and 41 Medium, Small and Cottage Industries Schemes have been sanctioned.

(d) Yes, for 33 colonies in West Bengal and Tripura.

Flood Control and Irrigation Works at Indo-Nepal Border

1615. Shri S. C. Samanta : Will the Minister of **Irrigation and Power** be pleased to state :

(a) whether it is a fact that a party of Indian engineers was surveying the U. P.-Nepal border in search of suitable sites for flood protection and irrigation works;

(b) if so, what are their findings;

(c) whether it is also a fact that they have discovered a waterfall situated north of the Nepalese town of Butwal;

(d) if so, the height of the fall ; and

(e) whether it can be compared with any other high water falls in the world?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) Yes.

(b) They have found sites which may prove to be suitable for reservoirs; further investigations are in progress.

(c) No remarkable water-fall has been found by them.

(d) Does not arise.

(e) Does not arise.

STEEL IMPORTS

1616. Shri M. R. Krishna : Will the Minister of **Commerce and Industry** be pleased to state whether Government have encouraged or proposed to encourage the private dealers to import steel from abroad in order to meet the country's demand?

The Minister of Commerce (Shri Karmarkar) : Yes, Sir. The Import Licensing policy has been liberalised and Licences are being issued freely. In order to encourage larger imports, the duty on important categories of steel such as Sheets, Plates, Rails, Bars and Rods and Structurals has also been abolished.

KUTTANAD DEVELOPMENT SCHEME

1617. Shri Velayudhan : Will the Minister of **Planning** be pleased to state :

(a) whether the Government of India had given any grant or assistance for the Kuttanad Development Scheme including the *Thottappally* spillway; and

(b) if so, the extent to which the grant was helpful in building the scheme in the State ?

The Deputy Minister of Planning (Shri S. N. Mishra) : (a) Yes Sir.

(b) The scheme is nearing completion.

E.C.A.F.E.

1618. Shri Ram Krishan : Will the Minister of **Irrigation and Power** be pleased to state :

(a) whether Government have received a report from the Sub-Committee on Electric Power of E.C.A.F.E. suggesting a technical study-tour; and

(b) if so, whether a copy of the report will be laid on the Table of the Sabha ?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) The Government have not yet received any official report from the E.C.A.F.E. Secretariat.

(b) The question does not arise.

NORTH BIHAR TUBE-WELL AND ELECTRIFICATION SCHEME

1619. Shri Shree Narayan Das : Will the Minister of **Irrigation and Power** be pleased to state :

(a) the extent of progress made in the implementation of North Bihar tube-well and electrification scheme up to 31st March, 1956 ;

(b) the areas so far irrigated through these tube-wells in different districts;

(c) the rate of water-charges for such irrigations;

(d) the total capacity of power houses and the present production and utilisation of power from these ; and

(e) the future schemes of expansion in this respect?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) and (c). Out of 450 tube-wells constructed in North Bihar, 321 have been electrified up to the end of February 1956 and water is being supplied at the following rates :

During Kharif	Rs. 2/-	for 30,000 gallons.
During Rabi	Rs. 3/-	,, ,,
During Hot weather.	Rs. 4/-	,, ,,

(b), (d) and (e). Information is being collected from the State Government and will be laid on the Table of the House as soon as possible.

PETROLEUM AND PETROLEUM PRODUCTS

1620. Pandit D. N. Tiwary : Will the Minister of **Works, Housing and Supply** be pleased to state the quantity of petroleum and petroleum products imported from Iran in 1955-56?

The Parliamentary Secretary to the Minister of Works, Housing and Supply (Shri P. S. Naskar): A statement showing the quantities of Petroleum and Petroleum products imported from Iran during the year 1955-56 is placed on the table of the Lok Sabha. [*See* Appendix XI, annexure No. 5.]

GOVERNMENT PRINTING WORKS

1621. Pandit D. N. Tiwary : Will the Minister of **Works, Housing and Supply** be pleased to state :

(a) the amount of Government printing works, done by private presses in 1954 and 55 ;

(b) the type of work that is farmed out to private printing presses; and

(c) the method of entrusting work to private printing presses?

The Parliamentary Secretary to the Minister of Works, Housing and Supply (Shri P. S. Naskar): (a) The amount of Government printing work awarded to private presses in terms of value is as follows :—

1954	Rs. 18,50,199
1955	Rs. 22,04,272.

(b) Work is entrusted to private presses when the capacity of Government presses is fully engaged at the time on other work, and includes printing of forms as well as of bulky publications according to circumstances.

(c) The work is farmed out either on competitive tender basis or in case of urgency, on schedule rates to presses on the approved list.

LIGNITE

1622. Shri Balakrishnan : Will the Minister of **Production** be pleased to state :

(a) whether it is a fact that lignite char from Neiveli can be used as fuel for buses and lorries; and

(b) if so, whether any attempt is being made towards this end?

The Minister of Production (Shri K. C. Reddy) : (a) Lignite char was tried sometimes back in a Producer Gas Plant supplying power to lorries and buses and the results were fairly satisfactory. However, no definite conclusion can be drawn in this regard until the results of the tests and analyses of bulk samples which have been recently conducted at Lurgis' laboratories in Germany, are received and examined.

(b) When Neiveli Project has been sanctioned and lignite is actually mined, it will be open to the operators of transport vehicles to purchase raw briquetted lignite or carbonised lignite for use in Producer Gas Plants.

WORKMEN'S SAFETY COMMITTEES

1623. Shri N. B. Chowdhury : Will the Minister of **Irrigation and Power** be pleased to lay a statement on the Table of the Lok Sabha showing the names of the projects in which Safety Committees and Workmen's Safety Committees have since been formed and state whether any steps have been taken to see that there is adequate representation of workers on these Committees?

The Deputy Minister of Irrigation and Power (Shri Hathi): The information is being collected and will be laid on the Table of the House as soon as possible.

DAM ACROSS RIVER SILEREO IN ORISSA

1624. Shri Sanganna : Will the Minister of **Irrigation and Power** be pleased to state :

(a) whether the Government of Orissa have sent a proposal for the construction of a dam across the River Silereo at Balimela in the District of Koraput, for approval of the Government of India ;

(b) if so, the result thereof;

(c) the estimated cost of the Project;

(d) whether any financial help is sought for from the Government of India; and

(e) if so, to what extent?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) No, Sir.

(b) to (e). Do not arise.

GOVERNMENT ADVERTISEMENTS

1625. { **Sardar Iqbal Singh:** / **Sardar Akarpuri:** }

Will the Minister in **Information and Broadcasting** be pleased to state the number of weekly, fortnightly and monthly vernacular periodicals and journals (language-wise) which were given Government advertisements during 1955-56?

The Minister of Information and Broadcasting (Dr. Keskar): A statement is appended. [*See* Appendix XI, annexure No. 6.]

DOCUMENTARY FILMS

1626. { **Sardar Iqbal Singh:** / **Sardar Akarpuri:** }

Will the **Prime Minister** be pleased to lay a statement on the Table of the House showing:

(a) the names of documentary films and newsreels sent abroad during 1955 by the Films Division and the Ministry of External Affairs, country-wise; and

(b) the basis of selection for the same?

The Prime Minister and the Minister of External Affairs (Shri Jawaharlal Nehru): (a) Two statements are placed on the Table of the House giving the required information. [*Placed in Library. See* No. S-161/56.]

(b) A film is selected only if its subject matter is suitable and if its technical and artistic qualities are of a fairly high standard. Films, which project the many and varied aspects of India's constructive endeavour are given special attention.

INDIAN FILMS

1628. **Shri Madiah Gowda:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) the number of firms engaged in films production in India now;

(b) the nature of control exercised by Government;

(c) the number of films certified by the Central Board of Film Censors during the last five years, year-wise; and

(d) the number imported and exported?

The Minister of Information and Broadcasting (Dr. Keskar): (a) Complete information is not available since there is no provision or machinery for registration or licensing of producers.

(b) No control is exercised except that certification of films for public exhibition is decided by the Central Board of Film Censors.

	Indian	*Imported*
1951	1,050	2,958
1952	631	2,447
1953	680	1,703
1954	691	1,714
1955	785	1,978

(d) Attention is invited to parts (a) and (b) of the answer to unstarred question No. 496 by the Minister for Commerce and Industry on 21st March 1956.

TIN-PLATE QUOTAS

1629. **Shri K. K. Basu:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the peak allotment of Tin-plate quota to M/s. Hindustan Tin Factory of Gaziabad and Roses Industry of Dalmianagar;

(b) on what basis such allotments were made;

(c) whether any deviation was made from the normal procedure; and

(d) if so, the reasons therefor?

The Minister of Commerce (Shri Karmarkar): (a) 207 tons to Messrs. Hindustan Tin Factory, Gaziabad, in period I/56.

There is no firm known to us by the name of "Roses Industry, Dalmianagar".

(b) An extract from the I. & S. C.'s letter (No. ISA 73/9/TP, dated 21-10-54) which lays down the basis of allotments of tin-plate, is enclosed. [*See* Appendix XI, annexure No. 7]

(c) and (d). The normal procedure was not applicable in the case of Hindustan Tin Factory.

The licence granted to them under the Industries (Development and Regulation) Act was subject to the condition that "release of tin-plate to the undertaking would be governed by the actual performance of the undertaking until such time as the firm are in a position to realise their rated capacity". Accordingly tin-plate is being allotted on the basis of actual performance from time to time.

RELIEF TO DISPLACED PERSONS OF TRIPURA

1630. Shri Dasaratha Deb: Will the Minister of **Rehabilitation** be pleased to state :

(a) whether it is a fact that some amount allotted to Tripura for relief to the Displaced Persons affected by the heavy storms last year, was returned to Centre ; and

(b) if so, the reason for it?

The Minister of Rehabilitation (Shri Mehr Chand Khanna): (a) and (b). The information is being collected and will be laid on the Table of the Lok Sabha in due course.

DEVELOPMENT PROJECTS FOR ANDHRA STATE

1631. Shri Gadilingana Gowd : Will the Minister of **Planning** be pleased to state :

(a) the number and names of the development projects for which the Andhra Government had asked for financial assistance from the Union Government for the year 1955-56;

(b) the number and names of projects for which aid has been sanctioned;

(c) the amount sanctioned in each case; and

(d) whether the total amount thus sanctioned has been fully utilised?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) to (d). The information is being collected and will be laid on the Table of the House as soon as it is available.

Ghani OIL

1632. Shri Gadilingana Gowd: Will the Minister of **Production** be pleased to state :

(a) the specific steps taken in Andhra State for the development of the manufacture of *ghani* oil ;

(b) the number of oilmen's co-operative societies engaged in the manufacture of such oil;

(c) the number of societies which have not been given any assistance technical or otherwise with the result that they are not functioning; and

(d) the proposal, if any, for running the defunct oilmen's co-operative societies?

The Minister of Production (Shri K. C. Reddy): (a) to (d). Information is being collected and will be laid on the Table of the Lok Sabha as early as possible.

COMFORTS SURVEY COMMITTEE

1633. Shri S. C. Samanta : Will the Minister of **Works, Housing and Supply** be pleased to state :

(a) whether the Comforts Survey Committee constituted by Government has submitted its reports ;

(b) if so, the main recommendations accepted; and

(c) whether any steps have been taken to implement the recommendations?

The Parliamentary Secretary to the Minister of Works, Housing and Supply (Shri P. S. Naskar): (a) Not yet sir.

(b) and (c). Do not arise.

सूखे पोतघाट (डाक) का निर्माण

१६३४. **श्री के० सी० सोखिया** : क्या उत्पादन मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या विशाखपत्तनम् पर सूखे पोतघाट का निर्माण करने के बारे में अनुमान तैयार करने के लिये एक ब्रिटिश फर्म से कोई करार किया गया है; और

(ख) यदि हां, तो उसकी मुख्य-मुख्य शर्तें क्या हैं ।

उत्पादन मंत्री (श्री के० सी० रेड्डी) : (क) तथा (ख). प्राथमिक रूपांकन तथा अनुमान तयार करने के लिए एक ब्रिटिश फर्म से प्रबंध किया गया था परन्तु कोई औपचारिक समझौता नहीं किया गया । इस कार्य के लिए हिन्दुस्तान शिपयार्ड लिमिटेड ने इस फर्म को २,००० पौंड की राशि तथा शुष्क पोतघाट के स्थान का वीक्षण करने के लिये फर्म के प्रतिनिधि की यात्रा तथा निर्वाह का खर्च देना स्वीकार किया है ।

Experts Committee on Sago

1635. Shri S. V. Ramaswamy : Will the Minister of **Commerce and Industry** be pleased to state :

(a) whether the Experts Committee on Sago has finalised its report;

(b) the findings from the point of view of health and nutrition; and

(c) the recommendations made thereon?

The Minister of Commerce (Shri Karmarkar) : (a) No, Sir ; not yet.

(b) and (c). Do not arise.

Co-operative Spinning Mills

1636. Shri Hem Raj : Will the Minister of **Commerce and Industry** be pleased to state :

(a) whether Government propose to establish co-operative spinning mills under the Second Five Year Plan;

(b) what will be their share capital; and

(c) the places where they will be installed?

The Minister of Commerce (Shri Karmarkar) : (a) to (c). No decision has yet been taken on this matter.

A.I.R., Simla

1637. Dr. Satyawadi : Will the Minister of **Information and Broadcasting** be pleased to state the number of artists who took part in the Radio Week programme performed at the Kali Bari by the Akash Vani, Simla on the 25th March, 1956?

The Minister of Information and Broadcasting (Dr. Keskar) : 54 artists (in 6 different groups) took part in the programme at Kali Bari arranged by the Akashvani, Simla on the 25th March, 1956 in connection with the Holi celebrations and not during Radio Week.

A.I.R., Simla

1638. Dr. Satyawadi : Will the Minister of **Information and Broadcasting** be pleased to state :

(a) whether a regular register of grade or category-wise artists is maintained at Akash Vani Station, Simla;

(b) if so, the number of artists in each category on the regular list of that station; and

(c) the number of artists who belong to the Scheduled Castes?

The Minister of Information and Broadcasting (Dr. Keskar) : (a) Yes, Sir.

(b) 45 'Ordinary' and 15 'good'.

(c) Artists are booked solely with reference to their merit in the art concerned and therefore no information regarding their caste or community is maintained.

Dam Construction at Vamanapuram

1639. Shri V. P. Nayar : Will the Minister of **Planning** be pleased to state :

(a) whether the Government of India have received any proposal for constructing a dam at Vamanapuram in Nedumangad Taluk, in the Second Five Year Plan ; and

(b) if so, the action taken thereon?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) and (b). A provision of Rs. 190:00 lakhs has been made by the State Government in their revised Plan for medium and minor schemes. The names of the works are not given.

RIVERS OF ASSAM

1640. Shri Debendra Nath Sarma : Will the Minister of **Irrigation and Power** be pleased to state :

(a) whether any survey has been made to estimate the total annual flow of water in the Brahmaputra, Monas, Kapili and Ai rivers of Assam; and

(b) if so, whether it is intended to bring water of some of those rivers into use by multi-purpose projects in the Second Plan?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) Yes Sir.

(b) Investigations of some multi-purpose River Valley Projects in Assam are in progress. The execution of the projects will depend on the technical and financial feasibility after the investigations are completed.

COAL

1641. Shri T. B. Vittal Rao : Will the Minister of **Production** be pleased to state :

(a) the number of companies in the coal-fields where annual out-put is more than 10 lakh tons; and

(b) the total production of these companies during 1954 and 1955?

The Minister of Production (Shri K. C. Reddy): (a) Four.

(b).

1954	. . . . .	6, 787, 943 Tons
1955	. . . . .	6, 800, 727 ,,

DAILY DIGEST

Tuesday, 1st May, 1956

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LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)

LOK SABHA SECRETARIA
NEW DELHI

SIX ANNAS (INLAND) TWO SHILLINGS (FOREIGN)

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LOK SABHA

Tuesday, 1st May, 1956.

The Lok Sabha met at Half Past Ten of the Clock.

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(*See* Part I)

11.37 A.M.

PAPER LAID ON THE TABLE

REPORT ON THE WORKING OF SILK BOARD FOR THE PERIOD 1-4-1955 TO 31-12-1955

The Deputy Minister of Production (Shri Satish Chandra): Sir, on behalf of Shri K. C. Reddy, I beg to lay on the Table a copy of the Report on the working of the Central Silk Board for the period from 1st April, 1955 to 31st December, 1955, in pursuance of an assurance given by the Minister of Commerce and Industry during the discussion on the Central Silk Board (Amendment) Bill on the 29th July, 1952. [Placed in Library. See. No. S-144/56.]

PROCEEDINGS OF LEGISLATURES (PROTECTION OF PUBLICATION) BILL

PRESENTATION OF REPORT OF SELECT COMMITTEE

Shri Altekar (North Satara): Sir, on behalf of Shri K. C. Raghavachari, I beg to present the Report of the Select Committee on the Bill to protect the publication of reports of proceedings of Parliament, State Legislatures and their Committees.

HINDU SUCCESSION BILL—*Contd.*

Mr. Speaker: The House will now take up further consideration of the following motion moved by Shri Pataskar on the 12th December, 1955, namely:

> "That the Bill to amend and codify the law relating to intestate succession among Hindus, as passed by Rajya Sabha, be taken into consideration."

The time allotted for general discussion is 13 hours, out of which 5 hours and 49 minutes have already been availed of. Therefore, 7 hours and 11 minutes now remain.

Shri N. R. Muniswamy (Wandiwash): Mr. Speaker, yesterday I made an observation that, in fairness, this Bill has to be remitted back to the public with a view to get their opinion, in so far as we have now touched the Mitakshara system of law in a limited sense. I do not mean to suggest that I adopt certain dilatory tactics for delaying the matter, but, since this has been hanging fire for over 8 or 9 years, by so doing we will be eliminating a valid criticism that we have taken the public by surprise by introducing in a limited sense the application of the Mitakshara system of law.

I am happy that the daughters are given equal shares as that of the brothers. But I have to say that as per the clause 6, as drafted, there is a good deal of discriminatory treatment both to the daughters and the *undivided sons*. I insist upon the redrafting of this clause to avoid an anomalous situation in actual applicability of this provision. I shall now give an illustration. Here, as it has been provided in clause 6, it is stated that so far as the daughters are concerned, who happen to have the same coparcenary right in the property, after the death of the deceased, for purposes of allotment of shares to the daughters, the shares of the undivided sons are to be pooled together but not the share of the divided son. That has been eliminated because of the amendment by the Rajya Sabha. By so doing, we will be having only a joint family consisting of a father and the daughters. But, after the passing of this Bill and before the death of the deceased, what would happen? The daughters will be eliminated but the others will get their share during the lifetime of the father. When the father dies, what will happen? So, the joint family system, as it exists today, will be given the clean go-by by entering into a division or partition of the existing properties. It would leave nothing for the daughters. Supposing a father has no share at all, and he claims no share during the lifetime, and he divided the entire property among his sons, and suppose he dies subsequent to the partition

[Shri N. R. Muniswamy]

There is no undivided son at all. So himself and his daughters get nothing. Therefore, the daughters will go without any shares at all. We know that in certain cases coming under the Mitakshara system, if the father has no share in the partition and if the son is born after the partition, the son will have the right to reopen the entire partition and get back the property and put it again into the pool. Similarly, if you want the daughters to have a share in the property, what would happen today is, you must regard the daughter as after-born son, and the daughters must be given the right to reopen the entire partition, so that the persons who had already partitioned the property and the daughters also could all get together and the entire division could take place. That will be the proper basis on which you can give an equal share to the daughters. Now, what happens is that if the son divides and goes away, and the rest of the family is not divided, the balance of the property alone will be divided between the undivided sons and the daughters, because, the daughters after the death of the father will get a right as much as the undivided sons, but not the right as regards the property that has already fallen to the share of the divided son who has already gone back.

Mr. Speaker: Even if the division had taken place 12 years before the father died, should that property be pooled, when the child must not be more than 10 months? In case the child is in the womb at the time of partition, and subsequently a male child is born, the partition can be reopened at the instance of the male child. That is, the birth of the child relates back to the conception which is only for ten months. Does the hon. Member mean that a member who has detached himself 12 years ago and had got the property, should now be brought in and his property be treated as the property of the father?

Shri N. R. Muniswamy: I quite appreciate the point. So far as the partition that took place 12 years back is concerned, if those persons have to be brought back, division might take place and there might be disturbance. As regards the present clause, the undivided son's share may be pooled together for the purpose of the share of the property along with the daughters. At least that aspect has to be put into effect, because, I think the Minister of Legal Affairs said that it all rests upon the natural love and affection, and he says that the father will always give property to the daughters and so he will see that the daughter is not disinherited or denied of any right to a share, when during the lifetime of the father, the property is divided. Now, there are occasions where the father also asks for no property. He simply stands as if he needs maintenance, for, he will eke out his livelihood by remaining with one son for some time and with another son at another time. So, in that case, after his death, the daughters will get no share at all. With a view to see that the daughter also gets a share in the property, he must see that the divided sons' property also should be pooled together and give them the status of after-born sons, in the sense that they will also have the right to reopen the property.

The other anomalous position which is likely to be evolved here is this. As per caluse 32, notwithstanding anything contained in setcion 6 of the existing Act, the interest of a male Hindu in a Mitakshara coparcenary property shall be deemed to be a property capable of being disposed of by him within the meaning of this section. As the law stands today, in a Mitakshara family, an undivided son cannot execu'e a will so far as his share is concerned, unless he files a suit for partition or expresses unequivocally a declaration that he stands divided from the others. Here, if the right is given to the undivided son to execute a will so far as his share in the property is concerned, what happens is, every son, even without filing a partition suit and entering into a partition, will, will away his share in the property, in which case there will be nothing left for the daughter. So, this right which is given under the explanation to clause 32 will equally take away the right that would be possible and that would be given to the daughter, because, the right that is given to her will be denied later on. Therefore, I say that there may be some shares given to the daughter after the partition, because, the greater the number of daughters the lesser will be the share allotted to those undivided sons as well as to the daughters. So, when you see that even as it is that many partitions take place, we must have a time-limit, say, four, five or ten years, so that during the interregnum—the period between the passing of this Act and the period that is to be set as regards the time-limit—it may become possible to get back the divided property and also to get an equal share of the daughters. The interregnum will be that period which will be after the

passing of this Act and before the death of the deceased person.

I have been dealing yesterday with the limited right of the women. We are aware that in the 1937 Act, the wife has the right to enjoy the property of her deceased husband, during her lifetime and after her death, it will revert back to the other heirs. As per the present Bill, they have been given the absolute right to the property. So, what the daughter is not now getting according to the present Mitakshara system, she will get according to the present Bill. The mother can will away the property because, what is limited estate to her will turn out to be an absolute right after the passing of this Act. So, the mother, if she likes, can will away the property absolutely because the property becomes her own and can be given to the daughters if she wills it. So, the daughter will be in a better position. She gets what could not be got through other spheres, because, even the mother who was said to have a limited interest, will get an absolute right after the passing of this Act. To that extent, I welcome this provision, namely, the daughters will not only get from the father but also from the mother. (*Interruption*).

Mr. Speaker: Will the hon. Member kindly resume his seat and continue after some time?

* * *

Shri Muniswamy may continue his speech.

Shri N. R. Muniswamy: To continue my speech, I may point out that article 19(f) of the Constitution guarantees to every person the right to acquire property, to hold property and also to dispose of property. Now, any one of the undivided sons has got a right to dispose of under clause 32 his own share of the property. If no actual division has taken place except the disposition in the will, it will mean that the will takes effect after the death of the testator. Under clause 32, when coparcenary property is disposed of by will, that takes effect only after the death of the father and before the death of this man. Supposing this man himself dies, it will be tampering with the disposition he has already effected under clause 32. Therefore, this will go against the fundamental right guaranteed under the Constitution and ultimately this may be regarded as *ultra vires* of the Constitution. I request the hon. Minister to consider this aspect and not leave it to be decided by the courts later on.

***Expunged as ordered by the Chair.

Another aspect which I would like to bring to the notice of the House is about the right of pre-emption. If a man wants to purchase the property it has to be determined on the consideration as to how much money is being paid so far his share is concerned. It is said in clause 24 that the man who applies to the court for the determination of this consideration and the man who proposes to purchase it, but refuses to purchase it later on, will have to pay all the costs. It is all right if there is only one sharer; but suppose there are half a dozen sharers, one of them may go to the court only for the determination of the value of the property. After fixing the value, if nobody comes forward to buy the property, it is put to auction and the highest bidder will get it. In such a case, if the man who proposes to purchase it, but subsequently refuses to purchase it, is asked to pay all the costs, it will be too much. I would suggest that as regards pre-emption, the seller as well as the buyer should be asked to distribute equally between themselves the expenditure in connection with the sale.

Shri S. S. More (Sholapur) *rose*—

Mr. Speaker: One hon. Member wants to go away; I will call him first and then I will call Mr. More.

An Hon. Member: Nobody is hungry yet.

श्री रघुवीर सहाय (जिला एटा–उत्तर पूर्व व जिला बदायूं–पूर्व) : अध्यक्ष महोदय, मैं आप का बड़ा मश्कूर हूं कि आपने मुझे इस बिल पर बोलने का मौका दिया । यह एक ऐसा बिल है जिस पर अगर कोई मेंबर साहबान सख्त बातें भी कहें तो हम लोगों को इस के लिये तैयार रहना चाहिये कि उन की बातों को खामोशी के साथ हम सुनें । यह एक समाज सुधार का बिल है और इस पर लोगों के ख्यालात काफी सख्त हो सकते हैं ।

12 NOON

कल हमनें पंडित ठाकुरदास भार्गव की काबिल तकरीर सुनी । वह हमारे यहां के बड़े तजर्बेकार और कानूनी मेम्बर हैं । दूनिया का उन्हें तजुर्बा है । जिस तरीके पर कि उन्होंने यहां पर चीजें रखी उनमें बहुत कुछ वजन है और उन बातों को हमें सोचना चाहिये । लेकिन मैं अदब से अर्ज करूंगा कि उन्होंने अपनी बातों को एक

[श्री रघुवीर सहाय]

इन्तहा दर्जे तक पहुचा दिया है । दूसरी तरफ हमारी बहन सुभद्रा जोशी ने अपने ख्यालात इस बिल के बारे में रखे हैं उन्होंने ज्यादातर भावूकता का इस्तेमाल किया है । जोश ज्यादा दिखलाया है । वह मुझे माफ करेंगी अगर वह इस हाउस में हों, उन्होंने दानिशमन्दी का कम ख्याल किया । अगर आज हिन्दुस्तान में तमाम चीजें उनके ख्यालात के मुताबिक कर दी जायें तो हिन्दुस्तान न मालूम कहां पर पहुंच जाये ।

श्री सी० डी० पांडे : (जिला नैनिताल व जिला अलमोड़ा–दक्षिण-पश्चिम व जिला बरेली, उत्तर) : उनको इस बात की परवाह नहीं है ।

श्री रघुवीर सहाय : हम लोग जो यहां पार्लियामेंट (संसद) में बैठे हुए हैं, हम सभों का यह फर्ज है कि दो इन्तहा दर्जे की बातों को सुनकर बीच का रास्ता निकालें । हमारे यहां हिन्दी में एक मसल है कि "सांप मरे लाठी न टूटे" । हमारा काम भी बन जाये लेकिन उसके साथ ही साथ समाज के जो दकियानूसी ख्यालात हैं, जो कि बहुत समय से चले आये हैं, उन पर ज्यादा जोरों आघात और हमला भी न हो । मैं समझता हूं कि हमारे लीगल एफेअर्स (विधिकार्य) के मिनिस्टर , श्री पाटस्कर, साहब नें ऐसा ही रास्ता निकाला है । इस रास्ते पर चल कर वह कह तक कामयाब होंगे यह दूसरी बात है । मैं यह कहने के लिये तैयार नहीं हूं की जितनी बातें उन्होंने इस बिल में रखी ह वे सब काबिले मंजुरी हैं, उनमें किसी तरमीम की जरुरत नहीं है, या इससे ज्यादा बेहतर कोई चीज नहीं हो सकती थी । लेकिन जिस तरीक पर वह इस बिल को धीरे धीरे इस दरजे तक लाये हैं यह एक बड़ी अकलमन्दी की बात है और समझदारी और जिम्मेदारी की बात है ।

अब आप यह देखिये कि इस बिल की खास खास बातें क्या हैं और जो बात मैं ने कही है कि एक बीच का रास्ता निकाला गया है वह कहां तक सही है । इस बिल में जो खास बातें हैं उनमें से एक तो यह है कि एक हिन्द को इस बात का हक दिया गया है कि, चाहे वह ज्वाइंट फैमिली प्रापर्टी (संयुक्त परिवार की सम्पत्ति) हो या सेल्फ एक्वायर्ड प्रापर्टी (स्वअर्जित सम्पत्ति) हो, वह अपनी प्रापर्टी की जिस तरीके पर चाहे वसीअत कर सकता है, चाहे लड़के को दे सकता है, चाहे लड़की को दे सकता है, या किसी दूसरे रश्तेदार को दे सकता है, या चाहे तो किसी को भी न दे । उसे वसीअत करने का पूरा हक है ।

दूसरी खास बात इस बिल में यह है कि इस वक्त तक जो औरतों को प्रापर्टी में लिमिटेड राइट (सीमित अधिकार) है उसके लिये कहा गया है कि उसको पूरा राइट होना चाहिये । वह जिस तरीके पर चाहे अपनी जायदाद को इस्तेमाल कर सकती है और जो उसका लिमिटेड अधिकार है उसको खत्म कर दिया जाये ।

तीसरे हमारे बहुत से दोस्तों को इस बात का भय था कि अगर यह बिल उसी सूरत में पास कर दिया गया जिसमें कि वह पेश किया गया था तो देहात में काश्तकारी की जमीनें छिन्न भिन्न हो जायेंगी और गांवों की हालत खराब हो जायेगी । लेकिन मैं देखता हूं कि इस बिल में खास तौर पर एक क्लाज (खंड) रख दिया गया है कि जिसमें यह प्रावीज़न (उपबन्ध) किया गया है कि जो गांवों में खेती की जमीनें हैं उन पर यह लागू नहीं होगा बल्कि जो भिन्न भिन्न स्टेट्स (राज्यों) के टिनेन्सी लाज (काश्तकारी कानून) हैं वे ही लागू होंगे ।

Shri C. D. Pande: On a point of information, may I enquire whether what the hon. Member says that local State legislation will prevail over legislation passed by this House is correct?

Some Hon. Members: No, no.

Shri C. D. Pande: Otherwise, the apprehension is that this legislation will override and defeat the object of the legislation.

The Minister of Legal Affairs (Shri Pataskar): That is right.

Shri Pande: I wish, it were so.

Some Hon. Members: It is not so.

श्री रघुवीर सहाय : हमारे लायक दोस्त पांडे जी ने जो बात कही है उसके बारे में मै यह कहना चाहता हूं कि अगर दफा ४ के सब-क्लाज २ को देखें तो गालिबन उनके दिल के अन्दर और दसरे मैम्बर साहिबान के दिल के अन्दर जो शक है वह दूर हो जायेगा । सब क्लाज २ में यह लिखा है :

> "(2) For the removal of doubts it is hereby declared that nothing contained in this Act shall be deemed to affect the provisions of any law for the time being in force providing for the prevention of fragmentation of agricultural holdings or for the fixation of ceilings or for the devolution of tenancy rights in respect of such holdings."

Shri C. C. Shah (Gohilwad-Sorath) : It does not mean that succession to agricultural land will not be affected; all that it means is that holdings may not be fragmented.

Shri Pataskar : Devolution of tenancy rights as made in provincial laws will not be affected.

Shri Bhagwat Jha Azad (Purnea *cum* Santal Parganas) : Could you tell us in how many States....

Shri Pataskar : I shall reply. I hope to satisfy if you are in a mood to listen.

श्री रघुवीर सहाय : यह हो सकता है, जैसा कि पंडित ठाकुरदास भार्गव ने कहा था कि बाज बाज स्टेट्स में टिनेन्सी लाज न हों, वहां के बारे में इस कानून मे तरमीम की जा सकती है । लेकिन एक आम प्रावीजन (उपबन्ध) ऐसा कर दिया गया है जिसमें कि जो खतरा आनरेबुल मेम्बर के दिमाग में था वह दूर किया जा सकता है ।

इस बिल में एक खास बात और भी है । मेंबर साहिबान ने ज्वाइंट सिलेक्ट कमेटी (संयुक्त प्रवर समिति) में और दूसरी जगह भी यह खतरा जाहीर किया था कि अगर एक मकान है और उस मकान में उसका लड़का भी रहता है, कई भाई हैं, उनकी बहुएं भी रहती हैं, और अगर लड़की जो कि दूसरे घर चली गयी है वह बाद में उस घर में हिस्सा लेना चाहे तो बड़ी दिक्कत हो सकती है। इस दिक्कत को दूर करने की भी कोशिश गयी और इस बिल में यह रखा गया है कि लड़की बहुत खास सूरतों में ही इस मकान में रहने के अधिकार को ले सकती है : मैं समझता हूं कि इस प्रावीजनसे भी वह खतरा बहुत कुछ दूर हो जायेगा ।

इसी तरीके पर एक ऐतराज यह भी किया गया था कि अगर लड़की को बाप का बुरसा मिलेगा और उस लड़की के कोई बच्चा नहीं है कि जो उसका वारिस बने, तो उस सूरत में उस बाप की जायदाद को जो दामाद के घर वाले हैं वह लेंगे । इस खतरे को भी दूर कर दिया गया है । अगर उसके कोई बच्चा नहीं है तो वह जायदाद वापस जायेगी और बाप के रिश्तेदारों और अजीजों को मिलेगी ।

एक चीज इस बिल में खास रखी गयी है जिसकी वजह से वह तमाम झगडे पैदा हो रहे हैं और वह यह है कि लड़की को लड़के के बराबर विरासत में हक दिया जा रहा है ।

मैं अर्ज करता हूं कि, जैसा कि मैंने शुरू में कहा था, कि ये इस बिल की खास चीजें हैं । लेकिन ये जबरदस्त तब्दीलियां हैं और इन की वजह से लोगों के दिलों में एक खलजान पैदा हो गया है । लोग यह समझते हैं कि इतनी तरमीमों को इस बिल में नहीं आना चाहिये था । लेकिन मैं अर्ज करता हूं कि जमाना बड़ी तेजी से तब्दील हो रहा है और हालात बड़ी तेजी से तब्दील हो रहे हैं और हमको उनके मुताबिक चलना चाहिये और जो चेंजेज (परिवर्तन) और तरमीमें सोसाइटी (समाज) इस वक्त करना चाहती है उनको हमें मंजूर करना चाहिये । ज्वाइंट सिलेक्ट कमेटी में हमारे दोस्तों ने जो ऐतराजात बतौर मिनिट्स आफ डिस्सेंट (विमति टिप्पणियां) दिये थे उनको भी राज्य सभा में दूर करने की कोशिश की गयी है । मसलन शुरू के बिल में इस बात को रखा गया था कि जो नाजायज तरीके के बच्चें होंगे उनको भी वैसा ही अधिकार होगा जैसा कि जायज बच्चों को । लेकिन उसके बारे में देखा गया है कि पबलिक ओपीनियन (लोकमत) उसके काफी खिलाफ है और उससे और भी खराबियां पैदा होंगी, इसलिये उस चीज को हटा दिया गया । इसी तरीके की और चीजों को कहने में चूंकि ज्यादा वक्त लगेगा इसलिये मैं उनको छोड़ता हूं ।

मैं यह देख रहा हूं कि जितने भी ऐतराजात जिस जिस स्टेज (अवस्था) पर किये गये हैं उन ऐतराजात को पूरे तरीके पर समझने की कोशिश की गई ह और जहां तक हो सका है उनको दूर करने की कोशिश की गई है ।

अब आप देखिये कि सब से बड़ी चीज जो इस बिल में रखी गयी है और वह है वसीयत का हक। वसीयत का हक पहले सब हिन्दुओं के लियेखुला हुआ नहीं था । इस हक को देने से इस बिलको जो सब से ज्यादा कडवापन है वह निकल जाता है। To take the sting out of the tail—यह अंग्रेजी का फ्रेंज (वाक्य) यहां पर एप्लाई (लागू) होता है और जिस वक्त कि आप वसीयत का हक एक हिन्दू को दे देते हैं तो इस बिल के अन्दर जितनी खराबियां हैं, वह मेरे खयाल में दूर हो जाती हैं । अगर कोई शख्स अपनी लड़की को न देना चाहे तो न दे और अपने लड़के को न देना चाहे तो ना दे, जैसे चाहे वसीयत करे । लेकिन जिस तरीके पर कि आज सोसाइटी चल रही है और जैसे कि लोगों के ख्यालात हैं, उस तरीके पर यही पूरी उम्मीद की जाती है कि कोई हिन्दु जिसके कि पास जायदाद ख्वाह वह मनकूला (चल) हो या गैर मनकूला (अचल) हो, वह इस तरीके पर तकसीम करेगा कि उसके

[श्री रघुवीर सहाय]

लड़के भी फायदा उठायें और लड़कियां भी फायदा उठायें वह पूरे इंसाफ के साथ उनके हक को देखेगा लेकिन इन तमाम बातों को कहने के बाद में यह समझता हूं कि यह बिल कोई फूल प्रूफ (त्रुटि हीन) नहीं है और जैसा कि मैंने शुरू में कहा था कि यह बिल ऐसा नहीं है कि उसमें कहीं पर नुक्ता तबदील नहीं किया जा सकता या फुलस्टाप (विराम-चिन्ह) तबदील नहीं किया जा सकता। इसमें ऐसी बातें हैं जिनकी कि तरमीम की जा सकती है क्योंकि हमारे लायक मिनिस्टर साहब ने अपनी तकरीर में कई मर्तबा कहा है कि इस बिल के लाने से हमारे यहां की जो सब से बुरी रस्म दहेज की है, लेनदेन की है और जिसकी की वजह से हिन्दुओं में आजकल एक बड़ी ही खराबी पैदा हो गई है, वह खराबी दूर हो जायेगी। मैं इस सिलसिले में उनसे बहुत अदब के साथ अर्ज करना चाहता हूं लेकिन बहुत जोरदार शब्दों में कहना चाहता हूं कि यह खयाल उनका ठीक नहीं है। मेरा खयाल यह है कि दहेज की रस्म बराबर जिस तरीके पर जोरों के साथ जारी है, उसी तरह जारी रहेगी क्योंकि जो दामाद और जो लड़का अपनी शादी करना चाहता है और उसके वालदैन उसकी शादी करना चाहते हैं वह कहेंगे कि हमें दहेज में इस वक्त जो चीज हम चाहते हैं, वह दो, यह जायदाद का जो तुम ढकोसला रखना चाहते हो, तो वह तो तब मिलेगी जब लड़की का बाप मरेगा और बाप न मालम कितने दिन बाद मरे, बीस वर्ष बाद मरे या कितने वर्ष में मरे, किसी को क्या पता, इसलिये मैंने लड़के को पढ़ाया लिखाया है उसके लिये तुम मुझे इसी वक्त डाउरी (दहेज) दे दो। कहने का मतलब यह है कि यह डाउरी का सिस्टम (दहेज प्रथा) इस बिल के पास होने से दूर नहीं हो सकता। मेरा खयाल यह है कि इस डाउरी सिस्टम के बारे में खास तौर से एक प्राविजन मैरिज बिल (विवाह विधेयक) में करना चाहिये था, आपने वह नहीं किया और मैं समझता हूं कि यह एक बड़ा भारी ओमिशन (लुप्ति) इसमें हमने छोड़ दिया है जिसकी कि वजह से हिन्दू जाति नुकसान उठायेगी और नुकसान उठा रही है।

एक सब से बड़ी चीज इस में यह रखी गई है और वह यह है कि हिन्दू अपनी जायदाद की वसीयत कर सकता है। जहां तक वसीयत के अख्तियार की बात है वह बहुत ठीक है और मुनासिब है और लोगों को वसीयत करनी चाहिये लेकिन यह कहा जा सकता है कि वसीयत तो सिर्फ पढ़े लिखे लोग ही कर सकते हैं, शहर में रहने वाले कर सकते हैं और कानून से वाकिफ कर सकते हैं लेकिन यह करोड़ों इंसान जो देहातों में रहते हैं और जो एक लफ्ज भी नहीं पढ़े हैं, जो कानून नहीं जानते हैं और जिनके पास जायदाद भी है, जमीन भी है, धन भी है, वे लोग क्या वसीयत करेंगे ? उनका यह समझना कि इसकी वजह से गांवों में झगड़े और टंटेबाजी ही बढ़ेगी, मैं अर्ज करता हूं कि यह उनका जायज खतरा और इस जायज खतरे को दूर करने के लिये हमारे मिनिस्टर साहब को कोशिश करनी चाहिये।

आखिर में अध्यक्ष महोदय, आपकी इजाजत से यह कहना चाहता हूं कि शुरू में मेरा भी यही खयाल था कि इस बिल की मुखालफत होनी चाहिये लेकिन जिस तरीके पर पबलिक ओपीनियन को बदलते मैं ने देखा तो मैंने पाया कि इसके मुताल्लिक राय आम्मा बदल रही है और मैंने भी अपनी राय को बदलना शुरू किया.....

एक माननीय सदस्य : स्लो प्वायजनिंग।

श्री रघुवीर सहाय : मैं एक मिसाल आपके सामने पेश करूंगा कि करीब तीन, चार महीने हुए, मेरी कांस्टीटूएंसी (निर्वाचन क्षेत्र) में एक लड़के और लड़कियों का इस विषय को ले कर डिबेट (वाद विवाद) हुआ और इत्तिफाक से वहां के आर्गनाइजर्स (संगठन कर्ताओं) ने यह कहा कि मैं उस पर प्रीसाइड (अध्यक्षता) करूं। सक्सैशन बिल (उत्तराधिकार विधेयक) पर वहां बहस होनी थी। मैं आपसे सच कहता हूं कि १५,१५ और १६,१६ वर्ष की लड़कियों और लड़कों की स्पीचेज को सुन कर तबियत बहुत खुश हुई।

एक माननीय सदस्य : और आपकी राय तबदील हो गई।

श्री रघुवीर सहाय : उन लड़के और लड़कियों की खुद की स्पीचेज नहीं थी, वह तो उनके वालदैन ने तैयार कराई थीं और जब मैंने उन बच्चों को इस विषय पर बोलते सुना तो मेरे दिल पर यह असर हुआ कि वाकई हिन्दू समाज में इस वक्त कुछ तबदीली पैदा हो रही है और यह लड़के और लड़कियां हिन्दू उत्तराधिकार विधेयक में जो प्राविजंस (उपबन्ध) रखे गये हैं उनको देख करके खुश हो रहे हैं वे और उनके बारे में जो यहकह रहे हैं, वे अपने

मां, बाप के ख्यालात को जाहिर कर रहे ह और उसका मेरे ऊपर यह असर पड़ा कि मैं ने यह तय किया कि मैं भी अपनी रजामंदी और मंजूरी इस बिल के लिये यहां पर पेश कर दूं।

श्रीमती उमा नेहरु (जिला सीतापुर व जिला खेरी पश्चिम) : अध्यक्ष महोदय, पेश्तर इसके कि मैं इस बिल के सम्बन्ध में कुछ कहूं, मैं अपने विधि मंत्री महोदय को धन्यवाद देती हूं जिन्होंने इतनी मेहनत और कोशिश के बाद यह बिल हमारे सामने पेश किया है।

कल से मैं बराबर इस बिल के सम्बन्ध में व्याख्यान सुन रही हूं। और मैं भी आज चूंकि अवसर मिला है, उसके सम्बन्ध में कुछ चर्चा करूंगी। लेकिन उसके पहले मै आपको यह बतलाना चाहती हूं कि इस विषय में जो मैं ने पहला व्याख्यान सुना वह हमारे भाई श्री वी० जी० देशपांडे का था और जिन्होंने कि अपने भाषण में तीन वर्गों की चर्चा की थी। उसमें एक वर्ग तो शायद वह था जो कि हर वक्त दलीलें और बहसें किया करते हैं कि मनु जी के वक्त में यह था और यह नहीं था और दूसरे वर्ग का नाम उन्होंने रोमांटिक दिया और तीसरे वर्ग का नाम डरपोक है जो कि औरतों से घबराते हैं। तीनों वर्गों का आपने जिक्र किया और उनकी दलीलों को सुनने के बाद मुझे आपसे कहना है कि ऐसी बातों से कभी काम चलने वाला नहीं है कि साहब स्त्री को देख कर इतने नमदिल है कि आंसू बहने लगे या स्त्रियों को देख कर ऐसे घबराते हैं कि घर छोड़ कर भागते हैं, इस तरह की बातें अब हमें नहीं कहनी हैं। जरूरत इस बात की है कि हमें और आप को बगैर कोई गुस्से या जोश के किसी नतीजे पर पहुंचना है। स्त्री को देख कर तो आप कमजोर हो जाय या उससे आपको इतना प्यार हो कि आपकी आंखों से आंसू बहने लगें लेकिन मैं पूछना चाहती हूं कि आखिर इस प्रापर्टी (सम्पत्ति) के मामले में आप इतना सख्त दिल क्यों हैं? मैं कल से सोच रही हूं कि आखिर यह क्या चीज है? दूसरी बातों का मैं जबाब भी नहीं देना चाहती लेकिन एक बात जो कल पंडित ठाकुर दास भार्गव ने अपनी तकरीर के दौरान जोश और गुस्से में आकर कह डाली और उन्होंने एक जगह पर "रामायण का जनाजा" यह अल्फाज उन्होंने इस्तेमाल किये, उसके बारे में मैं वहेसियत एक स्त्री के कहती हूं कि उनके मुंह से "रामायण का जनाजा" शब्द सुन कर हमें बहुत तकलीफ हुई और मैं उनको इस बात का अच्छी तरह से यकीन दिलाना चाहती हूं कि रामायण का जनाजा हमने नहीं निकाला, बल्कि रामायण का जनाजा तो आप निकाल रहे हैं। जब आप रामायण की जनाजे की चर्चा करते हैं तो आज मैं आप को बतलाती हूं कि आज भारत स्त्री की वजह से कायम है। अगर भारत में स्त्री अपने सिद्धांतों में मजबूत न होती तो यह भारत कभी भी कायम नहीं रहता। आज उसी की वजह से वह कायम है। मैं अपने भाइयों से बताऊं कि मैं ने खुद देखा कि जैसी हवा आई, उस में मेरे भाई बहे। हम ने अपनी साड़ी, अपनी गृहस्थी और अपने घर के काम काज को नहीं छोड़ा, लेकिन हमारे भाइयों ने कोट पतलून पहना, टाई बांधी, बाहर जा जा करे नाचे भी, शराबें भी पीं, कोई कर्म नहीं हैं कि उन्होंने जो नहीं किया। फिर यह कहना कि रामायण का जनाजा हमारे हाथों निकला, यह ठीक नहीं है। यह हमारे भारत की बदकिस्मती है कि उस के बदकिस्मत पुत्र ऐसा सोचते हैं। अगर हमारे ठाकुर दास जी यहां होते, तो मैं उन को समझाती, लेकिन वह यहां नहीं हैं।

कुछ माननीय सदस्य : आ गये, आ गये।

श्रीमती उमा नेहरु : मैं उनको यकीन दिलाती हूं कि उन के मन में हमारे लिये कोई शंका नहीं होनी चाहिये। समाज में हमारी स्थिति कुछ भी हो, लेकिन भारत की जो सभ्यता है वह हमारे हाथों में है और हम ने उस को कायम रखा है और आगे भी उसी तरह से कायम रखने वाले हैं। जिस वक्त मैं ने इस बात को सुना तो मुझे खयाल आया कि आखिर बात क्या है, और मैं क्या देखती हूं? हमारे भाई ने भी कहा, हमारी बहन ने भी कहा। जाहिर है कि जोशीली स्पीचें हुई, गुस्से में हुई और हमारी बहन ने भी उसी गुस्से में बात की। लेकिन मुझे सिर्फ यह कहना है कि मैं ने स्त्री का इतिहास देखना शुरू किया कि आखिर क्या कारण है, क्यों हम को गर्व है वैदिक जमाने की स्त्री का। वैदिक जमाने में स्त्री कहां तक स्वतंत्र थी। कोई भी नहीं कह सकता कि वैदिक जमानें में स्त्री स्वतंत्र नहीं थी। लेकिन स्त्री आज इतनी गिरी क्यों? वैदिक जमाने के बाद मुझे स्त्री का पतन सा दिखाई देता है। यहां पर मनु जी की बड़ी चर्चा हुई। मनु जी ने अपने जमाने में स्त्री को बहुत कुछ बचा लिया, इस में कोई सन्देह नहीं है। लेकिन इतना ही सोच मुझे है, जिस के लिये मेरे भाई और वकील लोग मुझे समझायेंगे कि मैं यह देखती हूं कि मनु के जमाने से आज तक जो हमारा बेसिक आदर्श था उस में कोई तब्दीली नहीं हुई। हम से कहा गया कि

[श्रीमती उमा नेहरू]

सामाजिक तब्दीलियां इस लिये नहीं हुई कि यहां पर फारेन गवर्नमेंट (विदेशी शासन) थी । लेकिन आज हम चाहते हैं कि तब्दीलियां हों । मनु जी के जमाने में जो कानून हुआ वही आज तक चला आता है । मैं समझती हूं कि यदि आज मनु जी जिन्दा होते तो स्वयम् एक बड़ी हद तक वह कानून में परिवर्तन कर देते । यह मेरा ही मत नहीं है औरों का भी है।यहां हमारे माननीय सदस्य भी मेरी राय में इस चीज को ले कर डिवाइडेड (मतभेद) थे । यहां पर कहा गया कि आज कल की स्त्रियां जो हैं वे कनाट प्लेस में घूमती फिरती हैं । शायद उन्होंने गुस्से में ही ऐसा कहा होगा क्योंकि यह सब गुस्से की बातें हैं जिन से कोई फायदा नहीं । मैं चाहती हूं कि फिरसे वही वैदिक पीरियड युग आवे लेकिन आप तो जानते ही हैं की जो जमाना चला जाता वह फिर आ नहीं सकता है । लेकिन अगर वह जमाना नहीं आ सकता है तो कम से कम हमारे पास वैदिक पीरियड का नक्शा तो रखा है । क्यों न हम ऐसे कानून बनावें जिन की मदद ले कर हम फिर देश में वैदिक पीरियड की स्त्री की शक्ल इस कलियुग में ला कर रख सकें मैं नहीं चाहती कि आप इस शक्ल में अपने कानून को तब्दील करें जिस से हर एक घर में एक उपद्रव या तूफान मच जाय । लेकिन मैं यह जरूर चाहती हूं कि हमारे पुत्र और पुत्रियां जिन्दा रहें । मैं चाहती हूं कि जो कुछ भी हम यहां पर करें उस की बैकग्राउंड यहीं हो ।

मुझे आप से यह कहना है कि मैं वकील तो हूं नहीं, अगर वकील होती तो दलीलें करती, मैं सिर्फ कामन सेंस (सहज ज्ञान) थोड़ा रखती हूं और उसी कामनसेन्स से अगर मैं कुछ कहूं तो वकील लोग मुझे माफ करें और जो गल्ती मैं कर जाऊं उस पर ध्यान न दें । मैं समझती हूं कि सब चीजों को देखने के बाद हमारे सामने यह चीज आती है कि आखिर मिताक्षरा लॉ (विधि) और मिताक्षरा ज्वाइंट फैमिली (संयुक्त परिवार) है क्या चीज । जब हम मिताक्षरा ला को देखते हैं तो हमारे सामने यह चीज आती है कि कहां तक इन्हेरिटेंस (उत्तराधिकार) के लॉ को इस बिल में रखा जा सकता है और कहा तक उस को तोड़ा मरोड़ा जा सकता है, कहां तक हम उस को छांट सकते हैं हमें यह सोचना है कि अगर हम ने इस को बहुत ज्यादा काटा छांटा तो कहीं ऐसा न हो हमारे कानून के बन जाने के बाद कि हम रोज सुप्रीम कोर्ट और हाई कोर्ट में जा कर खड़े हो जायें । जहां तक मैं ने मिताक्षरा कानून को पढा है, मैं यहीं समझी हूं कि भले ही हम उस को बिल्कुल मिटा दें, खत्म कर दें, लेकिन उस मे पैच वर्क (फुटकर काम) नहीं कर सकते । उस को तोड़ मरोड़ कर नई चीजें उस में नहीं जोड़ सकते हैं । यह मेरा खयाल है, यह हमारे कानूनी भाई जानें कि मैं सही कहती हूं या नहीं।

इस के बाद मुझे यह कहना है कि इस सारे बिल को पढ़ने के बाद मैं सारी अपनी कांस्टिटुएंसी (निर्वाचन क्षेत्र) में घूमती फिरी, देहातों में ही मेरा ज्यादातर काम रहता है । देहातों के अपने भाइयों और बहिनों के घरों को देखने के बाद मैं इस नतीजे पर पहुंची हूं कि छोटी छोटी जमीने उनके पास हैं, छोटे छोटे घर हैं, यह सब चीजें हैं, लेकिन वह पढ़े लिखे नहीं हैं । वह कुछ जानते ही नहीं हैं । मैं अपने ग्रामीण समाज को देखने के बाद साफ तौर से कह सकती हूं , इस बिल को पढ़ने के बाद , उस की एक एक चीज देखने के बाद मैं समझती हूं कि हमारी सरकार के लिये यह ज्यादा मुनासिब होगा कि वह हमारे देहातों पर हाथ न रखें, देहातों से वह दूर रहे । जो लैंडस (कृषिभूमि) हैं उन को छुए नहीं । क्योंकि मैं यह जानती हूं कि अगर यह हुआ तो हमारी व्यवस्था बिल्कुल तबाह हो जायेगी । सरकार के पास कोई मंत्र नहीं है जिस से कि आप यह समझ सकें कि आप ने उस मंत्र को पढ़ा और सब जगह पीस (शान्ति) हो गई, शान्ति हो गई । मैं मिनिस्टर साहब से प्रार्थना करूंगी कि वह इस को समझें कि सब की राय है कि लैंडस को इस बिल से एग्जेम्ट (मुक्त) कर दिया जाय ।

इन सब बातों के बाद मैं ने यह भी सोचा कि क्या वजह है कि आप मिताक्षरा के पीछे पड़े। जो मिताक्षरा का कानून है उस को तोड़ना, छांटना, तराशना, उस के भीतर घुस कर उस को तब्दील करने की कोशिश करना बेकार है । मैं कुछ अपने वकील भाइयों से मिली, जजों से मिली और उन से इस का जिक्र किया तो उन्होंने मेरा मजाक उड़ाया । उन्होंने कहा कि वह ऐसा कानून नहीं है जिस का छुआ भी जा सके । जब यह चीज हमारे सामने आई, और साथ ही यह चीज भी सामने आई कि हमें वैलफेअर स्टेट (कल्याणकारी राज्य) बनाना है जिस के लिये हम अलग अलग कानून बना रहे हैं, हम ने यहां पर इनकम टैक्स बिल (आयकर विधेयक) बनाया है, और भी इसी तरह की चीजें हम ने पास की हैं, तो कोई वजह नहीं थी कि मिताक्षरा के सक्सेशन (उत्तराधिकार) कानून को तब्दील किया जाय । हम को चाहिये था कि मिताक्षर

को अलग कर के एक इंडियन सक्सेशन ऐक्ट (भारतीय उत्तराधिकार अधिनियम) पास करते अगर हम ऐसा करते तो म समझती हूं कि आप की जो मुश्किलें हैं, वह सारी की सारी दूर हो जातीं। मैं आप से कहना चाहती हूं कि मुझे मिताक्षरा या दायभाग से कोई शिकायत नहीं है, मुझे तो यह पता भी नहीं है कि वह क्या है। लेकिन म यह जरूर चाहती हूं कि हम कोई कानून ऐसा न बनायें कि जो कि हमारी स्त्रीयों को ही बुरा लगे और जिस कानून से सारे देश में, यहां तक कि देहातों में भी एक कंफ्यूजन (भ्रान्ति) हो जाय और जिधर मुंह फिरे उधर लिटिगेशन ही लिटिगेशन (मुकदमाबाजी) दिखाई पड़े। मैं चाहती हूं कि हम और आप इस खयाल को छोड़ कर बैठें कि हमें इस कानून में तब्दीली करनी है। हम को यह तय कर लेना चाहिये कि हम को स्त्री के लिये कुछ करना है, क्योंकि स्त्री गिरी तो इतिहास हमें बतलाता है कि वह प्रापर्टी सम्पति के ही सवाल पर गिरी। जब तक प्रापर्टी का सवाल नहीं था उस वक्त तक स्त्री नही गिरी थी, लेकिन हम को और आप को उस को ठीक से तक्सीम करना है। हमारी बेटी हमारी दुश्मन नहीं है। हमारे दामाद हमारे दुष्मन नहीं हैं। हमारे लड़के हमारे दुश्मन नहीं है। आज के दिन भीजो भारत में भाई बहिनों में प्यार है, और जगहों पर भी है, उस पर हमें गर्व है। हजारों चीजें हमारे यहां बहिनों ने भाई के प्यार से छोड़ी हैं और भाई ने हर मुसीबत में बहिन का साथ दिया है। भारत में भाई बहिन के इस प्यार में किसी भी कानून से फर्क नहीं आना चाहिये। मैं कहती हूं कि इस भाई बहिन के प्रेम के आदर्श को सबसे ज्यादा भारत में पालन किया गया है। आज हमारे प्राइम मिनिस्टर जो कि पीस (शान्ति) का इतना जिक्र करते हैं और इस विषय में इतने आगे जा रहे हैं, वह भारत के प्राइम मिनिस्टर हैं और भारतीय पुत्र हैं, वह पश्चिमीय पुत्र नहीं हैं।

एक माननीय सदस्य : दूसरे देशों में पढ़े हैं।

श्रीमती उमा नेहरू : तो मेरा कहना यह है कि यह आदर्श हमने अपने सामने रखा है और बगैर गुस्से के इस चीज को हमें आगे ले जाना है। मुझे तो आज अपने भाईयों से अपील करनी है। मैं आज आपके सामने माता के रूप में खड़ी हूं। मुझे जरा भी खुशी नहीं होती जब मैं देखती हूं कि समाज के टुकड़े हो रहे हैं। मुझे जरा भी खुशी नहीं होती जब कोई भाई इसका विरोध करता है और कहता है कि अगर स्त्रियों को जायदाद में हिस्सा मिलेगा तो हमार घरों में मुसीबत आ जायेगी। इसलिये हमें बैठकर यह सोचना है कि किस तरह से हमारी स्त्री जिन्दा रहे, किस हैसियत से जिन्दा रहे। मैं तो समझती हूं कि वह माता की हैसियत से जिन्दा रहे। वह फैमिली (परिवार) की जिम्मेदारी अपने ऊपर ले। मैं समझती हूं कि फैमिली की जिम्मेदारी लेने का क्या मतलब होता है। यहां पर लाखों रुपये की बातें कही जाती हैं। लेकिन हमारे देश में तो ज्यादातर लोग बे पैसे के हैं। लेकिन जो तुम्हारा पैसा हो वह तुम्हारी माता के हाथ से खर्च हो। इसलिये मैं कहूंगी कि यह दो तीन चीजें जो मैं ने सरकार के सामने रखी हैं उन पर वह संजीदगी से गौर करे। मुझे उम्मीद है कि इस बात में हमारी सरकार हमारी मदद करेगी और इस बात का सदा ख्याल रखेगी कि हमारे देहात कायम रहें।

श्री टंडन (जिला इलाहाबाद, पश्चिम) : श्री अध्यक्ष महोदय, इस विषय पर मुझे बहुत नई बातें नहीं कहनी हैं परन्तु मैं आज इसलिये खड़ा हुआ हूं कि कुछ शब्द कह कर अपना कर्तव्य निभा दूं।

आज सरकार इतने क्रान्तिकारी प्रस्ताव को ले कर खड़ी हुई है। जब प्रवर समिति में इस विधान को भेजने का प्रस्ताव पहले आया था उस समय भी मैं ने अपना मत सामने रखा था। मुझे को आशा थी कि हमारे मंत्री महोदय श्री पाटस्कर जी, जिन्होंने अपने पूर्व भाषण में भारतीय संस्कृति का आधार लिया था, उस संस्कृति को बिसारेंगे नहीं। मैं उनसे इस बात में सहमत था कि भारत में परिवर्तन होते चले आये हैं। भारत ने अपने को किसी तालाब में बांध दिया हो ऐसा कभी नहीं रहा है। पिछले अवसर पर भी मैं ने यहीं बताने का प्रयत्न किया था कि हमारा देश परिवर्तनशील रहा है। क्रान्ति से वह घबराया नहीं। क्रान्ति हमारे यहां का ही शब्द है। इसके लिये हमारे यहां स्मृतियों में स्पष्ट वाक्य हैं। हमने अपने को शास्त्रों के शब्दों से भी बांधा नहीं है, यह भी मैं ने आपसे उस समय कहा था।

केवलं शास्त्रमाश्रित्य न कर्तव्योवि निर्णय :।

केवल शास्त्र का सहारा ले कर कर्तव्य का निर्णय नहीं होता। यह बृहस्पति स्मृति का वाक्य है यहां तक हमारी स्मृतिया गयीं हैं। भारतीय समाज ने कभी अपने को कूप मंडूक नहीं बनाया। परन्तु उसकी कुछ मौलिक धारणायें रही हैं।

[श्री टंडन]

आज मैं देखता हूं कि हमारे पाटस्कर जी भी पश्चिमीय क्रम को इतना ऊंचा समझते हैं कि वे भारतीय क्रम को छोड़ कर उधर जाने की चिन्ता कर रहे हैं। हमारे एक भाई ने यह भी कहा कि हमारा देश बहुत पिछड़ा हुआ है और पिछड़े हुए देश में रहना उचित नहीं, इसलिये उसे आगे बढ़ाना चाहिये और आगे बढ़ाने का अर्थ है पश्चिमीय क्रम पर चलना। मैं उनसे बहुत अधिक नहीं कहना चाहता। पर मैं समझता हूं कि पश्चिमीय क्रम पर चलना तो बहुत उन्नति का लक्षण नहीं है। यह मैं बहुत स्पष्ट कहना चाहता हूं। हर बात में पश्चिमीयता, विशेषकर जहां चारित्रिक और सामाजिक क्रम का सम्बन्ध ह, वहां उनके पीछे चलना हमारे लिये हानिकर ही होगा। जो हमारा भारतीय क्रम हे उसको हमें सदा अपनी आंख के सामने रखना चाहिये, उसे कभी आंख से ओझल नहीं होने देना चाहिये। मैं पाटस्कर जी से यह पूछता हूं कि हमारे देश में लड़कियों का सम्मान और आदर किसी देश से क्या उन्होंने कम देखा है? हमारे यहां अपनी बच्चियों से क्या किसी दूसरे देश की अपेक्षा प्रेम कम है। हमारे यहां के पिता अपनी लड़कियों के लिये हमारे यहां के भाई अपनी बहिनों के लिये, हमारे यहां के चचा अपनी भतीजियों के लिये जितना करते हैं और आज भी कर रहे हैं क्या संसार में कोई और देश है जहां उससे अधिक किया जाता हो? लड़कियों के आदर का प्रश्न इस प्रकार का है जिसके सम्बन्ध में ऐसी आवाज लगाना, जैसी कि हमारी एक बहिन ने पीछे से आवाज लगायी थी कि यहां उनका आदर नहीं है, नितान्त अशुद्ध है। कहीं अपवाद हो सकता है, भूलें भी होती है। उन्होंने उदाहरण दे दिया कि घरों में लड़कियों को दूध भी नहीं मिलता और लड़कों को मिलता है। भला यह क्या बात है? हमारे यहां मातायें अपने लड़कों और लड़कियों के लिये क्या करने को तैयार नहीं होंगी? लेकिन यह छिपाने की बात नहीं है कि लड़कियों और लड़कों में एक अन्तर है। प्रेम खीचने वाले वे दोनों हैं, पर वे सब दृष्टि से बराबर हैं यह कौन कह सकता है। यह क्या सही है? क्या यह प्रकृति का क्रम है कि दोनों बराबर हैं और मैं पूछता हूं कि आप बारबार यह जो इक्वैलिटी (समता) शब्द इस्तेमाल करते हैं, उससे आपका तात्पर्य क्या है? वे समझे हुए इक्वैलिटी शब्द यहां पर प्रयुक्त किया जाता है। किस बात में इक्वैलिटी? बिल्कुल दोनों का ढंग दूसरा ह, और रहन सहन दोनों का अलग अलग है प्रकृति ने दोनों को जुदा जुदा कामों के लिये बनाया है और यह स्पष्ट है कि एक ही काम दोनों नहीं कर सकते, दोनों के मुख्य कर्तव्य अलग हैं। हमारे भारतीय समाज ने उस कर्तव्य को समझने का यत्न किया है और उसके अनुसार दोनों को अलग अलग स्थान दिया है। मैं पूछता हूं कि गृहस्थी का भार क्या कहीं किसी ने लड़की के उपर डाला है? कोई व्यक्ति यह आशा नहीं करता कि बुढ़ापे में मुझ को मेरी लड़की खिलायेगी या गृहस्थी का भार बुरे दिनों में सम्हालेगी। यह तो कोई आशा नहीं करता और इस कारण से जायदाद के बंटवारे के क्रम में अन्तर रहा है। यदि उसमें हमको कुछ दोष लगे तो हम सम्हालने का यत्न करें, उसमें मुझे कोई आपत्ति नहीं है परन्तु आज जो आप यह लड़के और लड़की को बराबर करने का क्रम कर रहे हैं, उससे तो यह स्पष्ट मालूम होता है कि हमारे समाज का जो क्रम है, उसकी ओर से आपने अपनी आंखों में पट्टि बांध ली है। हमारे समाज का क्रम बिलकुल दूसरा है। आप प्राचीन काल के उस सिद्धान्त को न मानें जो कि पुराने लोग मानते थे कि हम को पुत्र नरक से बचायेगा, उसको छोड़ दीजिये, जिस कारण से पुत्र को समाज में एक विशेष स्थान था, आप उस सिद्धान्त को न मानें और उसको छोड़ दीजीये परन्तु यह तो आपके सामने है ही कि गृहस्थी का भार पुत्र उठाता है लड़की नहीं उठाती। आपको पिंडदान में या तर्पणों में विश्वास हो या न हो परन्तु यह क्रियायें लड़का करता है लड़कियों से नहीं लिया जाता।

संसद काय मंत्री (श्री सत्य नारायण सिंह): लोग अजकल तर्पण ही नहीं करते।

श्री टंडन: संभव है कि कनाट प्लेस से तर्पण उठ गया हो और शायद पार्लियामेंटरी जगहों से भी तर्पण उठ गया हो परन्तु हमारे देश से अभी तक तर्पण उठ नहीं गया है और आज भी वह जारी है। हमारे समाज में तर्पण का अधिकार पुरुषों को दिया गया है लेकिन इसका यह अर्थ नहीं है कि पिता लड़की से प्रेम नहीं करता है, वह लड़की से भी लड़के के समान ही प्रेम करता है लेकिन यह जानता है कि लड़की दूसरे घर में जाने वाली है, उसका जो अधिकार है वह दूसरे ढंग का है और उसको दूसरे घर में अधिकार प्राप्त है। इसमें कोई लड़की या लड़के में अन्तर का प्रश्न नहीं है। एक नर है और एक मादा है, इसका प्रश्न नहीं है। मैंने उस समय भी कहा था और आज भी दुहराता हूं कि आप लड़कियों को जो पिता की सम्पत्ति में अधिकार देते हैं, यह

अनुचित हैं, ऐसा नहीं होना चाहिये । जहां तक लड़कियों के पिता की सम्पत्ति में अधिकार का सम्बन्ध है, इसमें कोई संदेह नहीं है कि जब तक कि वह घर में और विवाहित नहीं हो जाती, उसको अधिकार प्राप्त होना चाहिये और किसी ने यह सुझाया भी था कि अविवाहित लड़कियों को पिता की सम्पत्ति में अधिकार मिलना चाहिये आप उसको उस अवस्था में अधिकार दे सकते हैं लेकिन अगर न ी दें तो भी कुछ बिगडता नहीं है । अधिकार न भी हो तो भी हम जानते हैं कि माता, पिता, भाई सम्पत्ति को बेच कर भी पुत्री और बहिन का ब्याह करते हैं । अभी अभी जब मैं घर से इधर आ रहा था तब मैंने एक मित्र के सम्बन्ध में जो कि लोक सभा के सदस्य ह अपने घर में सुना कि उनकी लड़की का ब्याह होने वाला है और तीन हजार रुपये उन्होंने कही से बटोर करके हाल में तिलक में दिया है । मैं उनकी स्थिति जानता हूं । उनके घर मे तीन हजार रुपया नहीं रहा होगा वे भाई कनौजिया ब्राह्मन है और बेचारे प्रथा के चक्कर में दब गये हैं । यह एक साधारण बात है कि हमारे यहां लोग लड़की के ब्याह के लिये बहुत मुसीबतें उठाते हैं । अब आप इस विधेयक के द्वारा पिता के चले जाने के बाद उसके परिवार में झगड़ा मचाना चाहते हैं । लड़की तो स्वयं झगड़ा नहीं करेगी लेकिन जिस घर में लड़की जायेगी वहां वालों का और उसके पति का उस पर दबाव पड़ेगा कि वह अपने भाईयों से झगड़े बाजी करे । मेरी तो समझ में नहीं आता कि आप इस तरह का कानून बना करके करने क्या जा रहे हैं । मैं बुद्धिवादी हूं, मैं रूढ़िवादी नहीं हूं । मैं बुद्धि के कांटे पर शास्त्रों को तौलता हूं, वेदों को भी तौलता हूं परन्तु आपको भी तोलता हूं जब मैं वेदों को तौलने को तैयार हूं तो आपको और आपके मंत्रिमंडल को और जो ऊपर के नेतागण हैं उनको भी तो अपनी बुद्धि पर तौलता हूं । आपके नेतागण और वे सब लोग जिनके भरोसे पर आप यह विधेयक लाये हैं बिल्कुल पाश्चात्य ढंग से सोच रहे है । आज आवश्यकता यह है कि आप भारतीय संस्कृति की रक्षा करें और इस समस्या पर भारतीय ढंग से सोचे और कुटुम्बों का नाश न होने दें । मैं तो युक्ति की बात कहता हूं । क्या आपकी बात युक्तिसंगत है ? मैं युक्ति के विरुद्ध नहीं जाता ।

युक्ति युक्त वचो ग्राहयम् ।
युक्ति हीनं वचः त्याज्यम् ।।

मैं तो इसका मानने वाला हूं । मैं इस सम्बन्ध में आपको एक पुराना श्लोक सुनाता हूं जो कि इस प्रकार है :

युक्ति युक्तं वचो ग्राह्यम बालादपि शुकादपि ।
यूक्तिहीनं वचस्त्याज्यम् वृद्धादपि शुकादपि ।

यदि कोई वृद्ध भी और यदि कोई मिनिस्टर भी बैठ कर के कोई युक्तिहीन बात कहता है तो वह बात त्याज्य है । हमारे देश की यह परम्परा रही है कि कोई वृद्ध या स्वयं शुकदेव जी भी अगर आपसे कोई युक्तिहीन बात कहें तो वह त्याज्य है लेकिन अगर युक्तिसंगत वाणी कोई बच्चा या तोता भी कहे, 'शुक' शब्द पर श्लेष है, बच्चा या तोता भी अगर युक्तिसंगत बात कहे तो ग्राहय होनी चाहिये । हमारे देश की यह परम्परा रही है ।

श्री पाटस्कर : शास्त्र हम भी जानते हैं और मानते हैं ।

श्री टंडन : मैं शास्त्र की बात नहीं कह रहा हूं, मैं तो इस समय बुद्धि की बात कह रहा हूं और युक्तिसंगत और युक्तिहीन बात के बारे में बतला रहा हूं । मैं आपको यह बतला रहा हूं कि लड़की को आप धन दे कर गृहस्थी का विघटन करा दें, यह युक्ति नही है । हर कोई जानता है कि लड़की शादी के बाद दूसरे घर की हो जाती है और हर कोई जानता है कि लड़की शादी के बाद कहां से कहां पहुंचती है । वह लड़की अपने मायके स्थान में आ कर वहां की भूमि अथवा सम्पत्ति में हिस्सा बंटाये, इसमें क्या बुद्धि की बात है ?

प्रवर समिति ने माता को प्रथम उत्तराधिकारियों में स्थान देने का निश्चय किया था, मैं उसका स्वागत करता हूं लेकिन न मालूम क्यों राज्य सभा ने उसे हटा दिया । मैं स्वयं इसका स्वागत करता हूं कि माता भी हो, पिता भी हो.....

श्री गिडवानी (थाना) : राज्य सभा वाले ज्यादा अकलमंद हैं ।

श्री टंडन : मैं इसके पक्ष में हूं कि आप इसमें विधवा स्त्री को रखें, माता को रखें और पिता को रखें । अगर उसमें आप लड़की को रखते हैं तो इसी तरह से रखना चाहिये कि जो कुमारी हो उस का अधिकार है, लेकिन विवाह के समय वह अपने साथ उस अधिकार को ले कर नहीं जा सकेगी । जो मुख्य बात मेरे मन में है वह यह है कि हमारे समाज का, हमारी गृहस्थी का इस तरह से विघटन न किया जाये । हमारे भाई ठाकुर दास भार्गव ने जो कहा उस से मैं सहमत

[श्री. टंडन]

हूं । इस तरह से आप समाज में बुराई पैदा कर देंगे ।

यहां पर रामायण की कुछ चर्चा आ गई। रामायण की चर्चा तो आदर्शों की बात है । वह आदर्श आज आप के इस बिल में देखने को नहीं मिलते । इस का आदर्श सीता जी नहीं हैं परन्तु वह आदर्श आज उड़ नहीं गया है । आज भी हमारे देश के गावों में मौजूद है । आप हमारे पुराने आदर्शों की हंसी न उड़ाये । पश्चिमी क्रम म जो अच्छी बातें हैं में उन को लेने के विरुद्ध नहीं हूं । परन्तु जो हमारे यहां समाज को ऊंचा उठाने वाल आदर्श ह, मनुष्य मात्र को ऊंचा उठाने वाल आदर्श हैं, वह पूजनीय हैं और सदा हमारी आंखों के सामने रखने के योग्य हैं । हमारे यहां स्त्री का स्थान बहुत ऊंचा रहा है । जैसा ऊंचा स्थान माता का, और बड़ी भावज का होता है उस की चर्चा रामायण में आती है । यह भी आता है कि पति और पत्नी का क्या कर्तव्य है । जब सीता जी ने रामचन्द्र जी से वन चलने की इच्छा प्रकट की तब रामचन्द्र जी न कहा कि वे उन के साथ बन में न जायें । परन्तु सीता जी की आकांक्षा थी कि में चलूं ।

"मोही मग चलत न होइहि हारी ।
छिन छिन चरन सरोज निहारी ।"

यह आदर्श था कि क्षण क्षण आप के चरणों की देखने का मुझे अवसर मिलेगा, उनको देखकर मुझे थकावट आने वाली ही नहीं है । हो सकता है कि आज की आधुनिक स्त्रियां इस म विश्वास न करती हों, परन्तु हमें यह भूलना नहीं चाहिये कि यह आज भी हमारे देश की करोड़ों स्त्रियों की परम्परा है । इसी कारण में अपनी भाभी उमा जी से सहमत हूं कि हमारे देश की स्त्रियों ने हमारे देश की रक्षा की है । रक्षा की है धर्म के प्रति अपने दृढ़नियम से । जहां तक मुझे पता है, और यह बात अंग्रेजों की कही हुई बताता हूं, भारत की अपेक्षा पतिव्रत धर्म को निभाने वाली स्त्रियां संसार में और कहीं भी देखने में नहीं आतीं ।

मैं पाटस्कर जी से एक कुंजी की बात कहना हूं । वह मर्दों से सलाह न लें, घरों में जो बड़ी बूढ़ी स्त्रियां हैं उन से पूछें कि क्या वह लड़कियों को अपना धन देंगी । में कहता हूं कि स्त्रियां, शिक्षित स्त्रियां भी, इस बात की विरोधिनी हैं कि लड़कियों को उन के घर की जायदाद में हिस्सा दिया जाये क्योंकि उन के सामने प्रश्न यह है कि हमारा घर कैसे चलेगा । जो कुछ उन्हें मरने से पहले देना होता है, लड़कों को देती हैं, बहुओं को देती हैं, पुत्रियों को देती हैं परन्तु आप ने यह कभी नहीं देखा होगा कि जो घर कि सम्पत्ति है उस के बारे म उन की इच्छा हो कि पुरुषों के मरने पर जब जायदाद का बटवारा हो तो वह लड़कियों को दी जाये । इस लिये आप यह दखेंग कि जैसा हमारी भाभी जी ने कहा...

Shri B. S. Murthy (Eluru) : I do not think she is a free agent.

Shri Tandon : You may not think so. At the time of death, she is not in the custody of any particular individual, her husband or her son.

आप यह कह सकते हैं कि उस का कुल दृष्टिकोण एक प्रकारका है, परन्तु जो दृष्टिकोण, अर्थात् आउटलुक है, वह समाज का बना हुआ है, जिस समाज स उस का मन उस का विचार बना हुआ है, वह समाज हमारे सामने है । मैं आज आप से कहता हूं कि आप राय ले लीजीये स्त्रियों से हमारी कनाट सर्कस की तितलियों से नहीं, हमारे घर की स्त्रियों से । हमारी भाभी उमाजी को अनुभव है, उन्होंने समाज को देखा है और दबे शब्दों में आप से अपनी राय भी बता दी कि आज हमारे कुटुम्बों के लिये जो कम आप बनाने जा रहे ह वह हमारे अनुकूल नहीं है । यह दृष्टिकोण पुरुष और स्त्री में भेद करने के लिये नहीं है, बल्कि यह एक स्वाभाविक और प्राकृतिक बात है कि गृहस्थी बनती है लड़कों के द्वारा, लड़कियों के द्वारा नहीं । पत्नियों के द्वारा बनती है, उन को अधिकार दिया जाये माता को अधिकार दिया जाये । परन्तु लड़की जहां जायेगी वहां वह पत्नी होगी, बड़ी बुढ़ी होगी, उस को वहां पर अधिकार मिलेगा ।

में और अधिक समय आप का नहीं लेना चाहता में अन्त में यही कहना चाहता हूं कि जो यह बिल विधि मंत्रालय ने बनाया है, उस को बदलिये । इस में देश का हित नहीं है । इस में तो उस की बहुत हानि ही होगी और कांग्रेस बदनाम होगी । इस तरह से कांग्रेस चौपट होगी और इस चट्टान पर टूट जायगी ।

Shri S. S. More: It is only my sense of duty that encourages me to get up on my weak legs to participate in this debate.

I have heard two voices on the floor of this House. One voice pleads strongly for retaining and continuing certain conditions which have been obtaining from

ages past—a voice, which is pleading for orthodoxy, which is pleading to retain the conservative conditions, that is, the heritage of our past. But another voice is coming forward in a strident manner and asserts, "Let us make India march towards a new horizon; our past which created and perpetuated the caste system, our past which created the curse of untouchability, our past which allowed the *sudras* to remain in abject slavery, is still hanging over us; but we are striving to snap the bonds of the past and march as steadily and as firmly as possible towards a new horizon, towards a new heaven, where the socialistic order shall prevail."

Shri V. G. Deshpande (Guna): Does the socialistic order prevail in heaven too?

Shri S. S. More: My friend, Shri Deshpande, is asking me whether the socialistic order prevails in heaven.

Shri B. S. Murthy: Let him go and see.

Shri S. S. More: Sir, I do not think he is qualified to go to heaven.

Shri V. G. Deshpande: I am going where you are going.

Shri S. S. More: My submission is that Shri Deshpande is emboldened to voice his opposition to the progressive views because he has received a large measure of support from those who are supposed to be on the side of the present Government. On political issues my friends Deshpandes and Chatterjees for whom I have the greatest liking personally stand isolated and for that isolation our Prime Minister has twitted them very often. On economic questions also they stand equally isolated, as isolated as anyone can be. But, unfortunately, when this House goes to consider social problems, they receive a large measure of support even from the members of the party in power. Why is it so? We try to be very generous on political matters; we try to be very generous, possibly on occasions, regarding economic matters, which do not touch our own pockets. If I ask: shall we nationalise banks, many people would say yes, do nationalise, because possibly they may not be having any account in these banks. If we ask should we nationalise insurance companies, they say yes, go ahead. But if we ask: are you prepared to share your property with somebody else, your daughter, are you prepared to distribute your property equally between your own sons and your own daughters, they immediately assume an attitude which is more in line with the attitude which my hon. fried Mr. Deshpande and others adopt.

1 P.M.

Why is to so? What is the crux, what is the test by which we can judge whether our action is proper or not. They talk about democracy. Mr. Deshpande in his usual characteristic style said: You are legislating too fast. I do not know what he means by "too fast". How long are we to wait? What is the period for which we should not make any advance? We have considered this measure sufficiently long; we have allowed the people to apply their minds, and now it is time to take a step ahead. Of course Mr. Deshpande being a person having faith in the old epoch may say even the *Kaliyuga* is not enough to enable us to come to a conclusion.

Take this measure. Now I do not wish to go into the details of it. But since the Britishers' time a small section, which is a growing section, has been asserting that we must snap the bonds which are keeping us confined to the dead past and go towards a new heaven. Take, for instance, the custom of *sati*. Mr. Deshpande was very vigorous in his speech that the whole fabric of our society would come into danger. When the Britisher started sounding public opinion with a view to abolishing *sati*, there were some persons, some old Deshpandes who said that the whole fabric of our society was being undermined. In 1856 the Widow Remarriage Bill was passed. I have cared to read those proceedings, and I know the opposition that measure encountered. Mr. Speaker, if you care to read the proceedings of the Imperial Council which came into existence in 1854 till about 1857 you find so many petitions being presented by the people to the effect, do not passed this sort of legislation, even the widows do not want it. That was the plea in those days. Our respected Tandonji said: go to the women and take their vote, and it pained me very much when he deprecated and spoke so slightingly of the ladies who move in Connaught Place. Why should he speak so slightingly of those ladies? Are they not educated ladies? Simply because they are educated, simply because they have come out of the cell of orthodoxy and have the courage to move in public, you do not like them. What is your grievance against them? Are they

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immoral? Are they violating any canon of our society?

Shri Bhagwat Jha Azad: Who said they are immoral? Please do not put your own interpretations.

Shri S. S. More: Mr. Speaker I welcome all this opposition.

Shri C. D. Pande: It was a reference to certain types of girls.

Shri S. S. More: I should like to be enlightened by Dr. Pande on this topic of girls because he seems to be an expert on this matter.

I have all respect for those ladies who unfortunately have no education, but all the same, the educated ladies are the product of a cause for which the late Mr. Gokhale pleaded, a subject for which the Central Government and the State Governments are spending so much of money, and they cannot be brushed aside on the ground that they are not competent to express their opinion. If we go back to 1856 had the Britisher begun to take the vote of the ladies, everyone of the widows would have said: Oh, we cannot go against customs; we cannot go against tradition; if we say, protect us from the funeral pyre, we shall be looked down upon and even with contempt.

So my submission is that we have to judge such measures not by looking to the volume of opposition against these measures but in the light of certain tests which are inelastic tests, which are no respecter of persons. What are those tests? Our Constitution says we are out for social justice; we are out for economic justice; we are out for political justice. All these friends who are out for political justice, all these friends who are out for economic justice, though with some hesitation, become enemies of justice when it enters the social sphere. Have we not pledged that we shall take our society to a new socialistic order? What is the meaning of that pledge? Are you sincerely abiding by that pledge? Socialistic order means equality for men and women. Shrimati Uma Nehru for whom I have the greatest respect was terrorised into pleading by the sort of silent, whispering campaign which has been carried on against this measure: please exempt agricultural lands from the operation of this measure; please do this; please do that. I was pained when I saw Shrimati Uma Nehru who in the Select Committee was supporting all the progressive items in the measure beating a sudden retreat. Not that she has changed her views; that shows what silent and whispering campaign is capable of achieving.

An Hon. Member: She is not on the Opposition.

Shri S. S. More: The hon Member should appreciate that I speak not with respect to her, but many persons who have chosen to go with the party in power, not because they agree with all the views that are expressed by the Prime Minister and those who are in command of the party apparatus, but on account of the loaves and fishes by toeing the line with the party in power. Therefore, if I say I have the courage to stand on my conviction.

Pandit Thakur Das Bhargava (Gurgaon): Why should the hon. Member cast aspersions on others. He may go on with his speech.

Shri S. S. More: When anybody entertains any doubts about my motives, I have every right to defend myself.

But let us ask ourselves. Are we going towards the socialistic order to which this House is pledged or not? Is it not in your socialistic conception of things that ladies ought to stand on a plane of equality with men, your girls with your sons? What is wrong with it? Even among Muslims sons and daughters are treated on a par. Tandonji naturally enough was talking of our great heritage and our glorious past. I do accept that whatever is good in our past we must accept them. I am not out to scuttle our whole past; no man can do it. The good blood in my veins has to be preserved, but the bad blood that has crept into it has to be removed. Otherwise, the whole body will be diseased and paralysed. What is good with our culture we should accept with open arms. But if due to certain customs, due to certain practices, something undesirable has crept in, we must amputate that part. It has to be amputated to preserve the rest of the body. I need not dilate upon it.

Shri Deshpande and others say that it is a hasty measure. I have got before me the report of the Hindu Law Committee which was appointed in January 1944. They issued a questionnaire and invited opinions. I will quote from it occasionally when it is relevant. A large measure of public opinion was expressed in favour of giving a share to the daughter on a par with the son though

they recommend half share. In 1941, opinions were received and digested and certain recommendations were made. Again in 1946, a large portion of the same ground was covered. They invited opinion and consulted learned authors and came to the conclusion that they must go ahead and that they should not allow the society to remain in a static condition. After that the Hindu Code Bill was introduced in the Constituent Assembly and a Select Committee was appointed. You were one of the eminent Members of that Committee. In recognition of the advanced times, it went a step further than the Hindu Law Committee and the other Committee of 1946. The Select Committee felt that the daughter should be given half the share. I will better read out from page 7 of the report of that Select Committee:

> "We think that there is no reason why the female heir should be treated differently from a male heir. We have, therefore, provided that the daughter's share should be equal to that of the son."

Pandit Thakur Das Bhargava : But our Speaker gave note of dissent also.

Shri S. S. More : As far as my reading is concerned—it is not as careful a reading as Shri Bhargava's—on this point there was no note of dissent by the Speaker. You, Sir, only associated with the note of Pandit Balkrishna Sharma that the Constituent Assembly had not been constituted for the purpose of discussing such matters and it should be left over to the popularly elected Parliament. That is the content of the note. This is the popularly elected Parliament.

What is the position of the Congress? I have no business to discuss it. Did they not go to the elections saying that the reform of the Hindu Code would be done. That was one of their main planks. Were not the people directed to vote for the Congress along with the Hindu Code? I do appreciate that. Congress never said this for the purpose of catching public opinion. It did not say: "We shall satisfy all the orthodox opinion or section of the community; give us power". As far as that part is concerned, Congress did show great courage and to show courage against social reactionaries is a great thing. You went to the people and people placed you in power because Hindu Law reform was one of your planks. Is it not a mandate from the electorate? If we stand by the canons of parliamentary democracy, no person belonging to the Congress who has really advanced these views in his life has any right to go away from this, to ignore and circumvent the mandate of the people given in so unequivocal language. From any point, from the point of progress, from the point of accepting an implementing the mandate of the people, from any other point the only conclusion ultimately reached is that this Bill is perfectly well-timed and will undoubtedly help us to reach some distance towards socialist order, where social equality will prevail between sons and daughters.

Mr. Speaker : Your time is up.

Shri S. S. More : I hope you will take into consideration the interruptions against which I had to plead.

Take certain specific clauses. On page 3 of this Bill, there is a certain provision. The illegitimate children which were given certain rights against their own fathers—that particular clause was amended in the Rajya Sabha. After partition, many women had been abducted. Some of these unfortunate ladies—for whom our heart bleeds—are made to live with persons who had been previously married. The persons who had acquired these women accepted that these women are with them and the children born of them are their own blood and their own kith and kin. But, what will happen to them? In spite of the fact that the father is willing to accept his resposibility, in spite of the fact that even the neighbours know that he is the father of these children and in spite of the fact that the women had mentally reconciled themselves to behave as wives of those men, the law will come in their way because the man had been previously married, because these women were not result that they will not share in the pro-husbands. So, their children will be treated as illegitimate children with the result that they will not share in the property of their father. In the explanation to clause (2) you have recognised any child, legitimate or illegitimate, both of whose parents are Hindus, Budhists, Jainas or Sikhs by religion. If the father and the mother are known, why should not the children have some right in the father's property?

There is another case. This measure goes beyond the Hindu law as it obtains

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at present. Take the case of *sudras* Shri Pataskar, who is also a lawyer, will admit that in their case, an illegitimate child is entitled to a half share which will go to the legitimate child. Under this law, any such rule, usage or custom will be scrapped and this will not be the position with regard to them.

My friend, Pandit Thakur Das Bhargava, was very strong—unusually strong—with regard to clause 5. He has pleaded that by amending this clause, the Joint Committee has gone beyond its limits. Why should we keep it unaffected in the case of persons married under the Special Marriages Act. I shall make my submission specifically clear that under the Indian Succession Act, the widow of a man who is married under that Act, has got certain handicaps. I have not got the time to go into the details. But Shri Pataskar will be kind enough to read that part of my minute of dissent. It will show that those persons who have married under the Special Marriages Act, simply because they have done so, will be denied all the privileges and concessions that are made available by this Act. (*Interruptions.*) On this point, I am in the same company as Pandit Thakur Das Bhargava. It ought to be amended.

Regarding clause 6, when I was in the Joint Committee, I raised so many objections to this clause. The real question for your consideration is whether in a Mitakshara family the survivorship right given to the members of the coparcenary deserves to be kept. If you want to give a fair and square deal to the daughters and other relations and give them their legitimate due, then you cannot keep them out. The Prime Minister rightly says that we must go towards uniformity; we must develop a sort of uniformity in this country. I support it. Let us try to bring about uniformity as far as the law relating to the joint family is concerned. Dayabhaga system prevails in certain parts of the country and Mitakshara prevails in some parts of the country. Not only that. Bombay school has got its own special views. Is it not necessary, Mr. Speaker, to either bring the country on the plane of Dayabhaga or bring the country on the plane of Mitakshara, whatever is found advisable? Why these different systems, so that a Bengali gets his property by one way of succession as against another way of succession which obtains in Maharashtra? The distance created by the past between Bengal and Bihar on the one side and other parts of the country, which come under Mitakshara system, should be eliminated as far as possible.

But the hon. Minister said: "We propose to abolish this 'joint family' by another measure." In this connection I would quote the words of the Hindu Law Committee, that in such matters piece-meal legislation is more dangerous, is likely to disturb the whole picture of reform that we want to introduce, because every time you take a sort of a limited view of the matter the whole picture does not come to us in clear lines but comes to us in blurred lines. I would say, that here was an opportunity for abolishing the Mitakshara family. The Hindu Law Committee recommended it. In the draft they appended they gave us a certain clause for the purpose of abolishing that. Also, the Joint Committee to which I have already referred made a similar proposal. I do not find any reason, at least convincing reason, why the Law Minister should be so charry to abolish this Mitakshara family. Unless you abolish that you will not be able to give the daughters their due, you will not be able to give the sons their due, because if you work out—I have not the time—you will find that the greater the number of daughters the smaller will be the number of sharers. A son who has already divided himself will be in a more advantageous position than the son who prefers to remain joint and undivided with his own father. So, you will penalise that man for remaining together with his father, while you will give certain advantages to those who are out for separation. This separatist tendency is being encouraged here, though it is not encouraged in other spheres, and it is time that we put a stop to it. Therefore, I would say that clause 6 should be sufficiently modified so that the Mitakshara family shall disappear.

Then there are other matters to which I wanted to make a reference, but I do not want to take the time of the House.

Mr. Speaker: He can speak when the clauses are taken up.

Shri S. S. More: But I do appreciate what the Committee has done as far as clause 16 is concerned, that all the property which is supposed to be in the possession of widows will hereafter be their absolute property. That is a good recommendation, a valuable recommendation, which removes a sort of handicap placed on the right of ladies. It was a suggestion which was made in 1941 by

the Hindu Law Committee and that suggestion was made because a large volume of public opinion was in support of that measure. They said that this limited widow's estate is a fruitful source of litigation and ought to be stopped as such.

These are some of the observations. Also I do not like clause 32 and the explanation given. The explanation reads like this:

> "Notwithstanding anything contained in section 6, the interest of a male Hindu in a Mitakshara coparcenary property shall be deemed to be property capable of being disposed of by him within the meaning of this section."

What are the legal implications? Are you giving anything substantial to the daughters? As man who cares to study law, I will say: "No". What will be the result? It is not material gain to the daughters, but material gain to the profession to which I have the misfortune to belong—I mean the lawyers. Everybody will be flopping to the lawyers for drafting their will. Possibly some sample forms will come into existence and everywhere, in villages too, people will will away their property. So, those who are opposed to this Bill, those who want to see that their daughters should not get their dues should do nothing else but start lawyers' bureaus, prepare standard will forms and give them for signature by everybody who has some property, whether landed property or of any other sort.

I would submit, Sir, that this particular clause is very sinister. It takes away by the right hand what we are trying to give to the daughters by our left. This sort of treatment, this sort of keeping a loophole in the whole measure is not a good practice. Let us be honest. If we do not want to give to the daughters anything, then, surely, let us say that the time is not opportune and, in view of the fact that the elections are in the offing, we are not prepared to go whole lenth. That will be a proper way. But this sort of double-faced approach, where we say to the males with one voice and the moment the famale voters come we shall be speaking to them with another voice, I should say—what shall I say—....

Shri C. D. Pande: You have said much.

Shri S. S. More: It is not a good practice. Shri Pande says that I have talked too much. As long as Shri Pande is not the controlling authority here, I need not mind what he says.

Shri C. D. Pande: Mr. Speaker, before proceeding with the observations that I want to make with regard to this Bill, I want to record my protest about the procedure that has been adopted with regard to this Bill. This Bill, in my opinion, should have been first introduced in this House. This is the House where the Members are elected by the people. We are responsible to the people and we are answerable to the people who have elected us. As opposed to this, this Bill was introduced in the Rajya Sabha, where the Members have no contact with the public opinion. There the Members are indirectly elected and they need not answer the questions that are put to them by the electorate. Therefore, the procedure in placing this Bill first before the Rajya Sabha was improper and that has landed us into difficulties.

I shall explain my point. The Bill was referred to a Joint Committee of 30 Members from this House and 15 Members from Rajya Sabha. The Joint Committee made certain recommendations. Those recommendations should have been our property because we were 30 in number and they were only 15. When the Bill was discussed in Rajya Sabha, after the Joint Committee made their recommendations, they abrogated the major provisions in the Bill as reported by the Joint Committee. Therefore, whatever decision they have taken are, in fact, if anything, against the decision of the Members of this House who served on the Joint Committee.

Besides this, there are more weighty reasons why I am opposed to this Bill, and that is the lack of universal applicability of this Bill. There is a constant reminder to us—and very rightly too—that if this Bill is a wholesome one if—it is a wholesome measure for the Hindus, is it not wholesome for the Christians, Muslims and other communities? Therefore, we have no answer to this question. We simply say, because the Hindus form a majority, because they are patriotic, because they are amenable to the opinion of their leaders, they can be coerced into submission and to accept this Bill.

Pandit D. N. Tiwary (Saran South): Do you mean to say that the others are not patriotic? (*Interruption*).

Shri C. D. Pande : The Muslims have also got their law. We are not interfering with that.

Shri K. K. Basu (Diamond Harbour): The hon. Member can bring in an amendment to that effect, why should he oppose the Bill?

Shri C. D. Pande : Why do you make a legislation in a secular State on communal and denominational basis? This is not proper. Make a legislation which would be applicable to Christians, to the Muslims, to the Hindus and all others. In a secular State, do not say 'Hindu Succession Bill', 'Muslim Succession Bill' and so on. You cannot touch Muslim succession and their marriages. You cannot do it. Only the Hindus provide you with a handy subject for you to interfere.

Shri K. K. Basu: When the time comes you can do it.

Shri C. D. Pande : This is my observation and I leave it to the House to reject it or take it.

Mr. Speaker : If such interruptions are there, the hon. Member who is speaking asks for more time.

Shri C. D. Pande : My submission is, whatever may be the merits of this Bill, there is no case made out for this Bill to show that the country wants this Bill. Who wants this Bill? Do the people who have elected us want this Bill? I have never met a single man in the whole constituency of Bareilly and Naini Tal who said that this Bill is desirable. Should I be faithful to my constituency or should I be faithful to the people who have some reformist tendency, like my sister who spoke yesterday and said that she has better feelings for a fallen sister than she has for Sita and Savitri. We do not expect the standard of Sita and Savitri from our sisters, but we certainly expect that they should have respect for the ideals for which India stands today. It is a dangerous thing to treat the Hindus in this manner and to wound their susceptibilities in this wanton fashion. The real difficulty lies in the fact that there is no case made out for this Bill and yet the Bill is here. At the same time, I say that as Shri S. S. More said we gave a pledge to the people that we will do something about the Hindu Code. We did stand by that pledge and we did not shirk from that pledge. But we did it in a different manner. We passed the Special Marriages Act and the Hindu Marriage and Divorce Act in certain circumstances, and we made them permissible pieces of legislation. But in this particular case, if permissibility is the main thing, then we have no objection. Those who want to give the property to their daughters are welcome to do so. We also want to give it in our own way. But what is the way that the Members in this House and those who are supposed to be rather conservative in their outlook suggest in this matter? I know they too have some tenderness and some affection for their daughters. So, please do not think that the people who are opposed to this Bill have got no affection for their daughters. I have got two daughters and two sons. I can tell you that, in all faith, I have got greater affection and regard for my daughters than for my sons. It is likely that I may spend all my fortunes on my daughters and not on the sons, and I may not give a single penny to the sons. They can fend for themselves.

An Hon. Member : Is that the criterion of this law?

Shri C. D. Pande : That is not the criterion. The criterion is that in this country, where property is scanty, where property does not practically exist, you will be only making your daughters heir to the poverty and to the debts that the fathers have got. There are far more indebted people in this country than those who get property. Why should you burden your daughters and your sisters with the debts of your fathers? Why should you make the daughters go to your son-in law and her brothers-in-law to clear your debts? I think this the most cruel thing that I can imagine.

Shri B. S. Murthy : The sons-in-law come to the rescue of the fathers-in-law.

Shri C. D. Pande : That happens very rarely. It is not the question of any inimical feeling towards the daughter that I say this. But I say that it is not the daughter who manages the property for a long time. It is not the son-in-law who manages the property. It is the father who does it. It is the sons who do it. If, it is the *mama* of a distant uncle of the son-in-law who has no affection for you, like your daughter, what happens? The daughter has got affection towards her father. But she may not like the uncles and those daughters of her father-in-law when she goes and marries. They may say, "Where is the room that is allotted to you?" They may ask: "What is the rent of this house and what is the share of the daughter who has been married to my nephew?"

Shri K. K. Basu : That is your experience.

Shri C. D. Pande : That is going to happen. How would you reconcile this? Small pieces of land may be scattered all over the country, and a daughter of a particular village may be given in marriage to a boy of another village where the daughter may be holding just two *bigas* of land. The father-in-law may then come and say, "who is holding this land ? What is the share of the land which I should get ?" Is that the method? Do you want to lay down such methods in this country ? Do you want to create trouble and chaos more for your daughters than for your sons ? Therefore, this one-sided approach is not correct. We all stand for giving equal share to the daughters. As long as the daughter remains with the father, as long as she is not married, she should be entitled to the full share in the father's property along with the brothers. But the moment she goes away and is married to anyone in another family, at a far distant place, she should also have equal right on father-in-law's property or her husband's property. What is the difficulty in this? Will not this proposal eliminate the difficulties in the application of this law? You will satisfy the entire populace of this country if you make everybody give a share to the daughter. Thus, I say that affection is the main criterion of succession. I have got far more love for my daughters than for my nephew. But, if I like to give a share of my property to my nephew, there are ways of doing it. But there is one thing: when my daughter stays in my family, she has all the greater protection, and I spend more on her, and I feel that when she goes to the son-in-law's house she should have an equal share and a legitimate share in that property. That share should be guaranteed to her. I think that the House will agree with me that this is the solution which is needed and that it will be acceptable to the House. It would appeal to the hon Minister of Legal Affairs to consider this suggestion and make a substantial amendment. That will satisfy the entire country and that will satisfy the House and that will also satisfy completely the demand of the people for a share, and an equal share, for the daughter. I am not opposed to the measure, as proposed by me. Therefore, do not think that those who oppose the measure as it is, are opposed to give equal shares to the daughter.

Now, the underlying idea is that the Hindus have got a rotten system, that everything we have done everywhere—whether it is marriage, whether it is property or any other sphere of our activity—is bad, and we are made to feel that we are a people living in a country where everything is rotten to the core. They say that all these defects should be removed and that a new Heaven should be created here. But I ask, "are we ashamed of our past? Do you think that all the glory that India did achieve is only because there was a rotten system? Is it possible that this country could have created great institutions and great personalities in a rotten system? Was it possible that India could have produced a Tagore, a Mahatma Gandhi, a Jawaharlal Nehru and a Radhakrishnan whose intellectual brilliance is well known? Is it possible that such a country can come to a stage where our mothers only will have every right and respect and our daughters will have no respect or right? Do you think that these big men have been produced in a country where, according to some, savage law prevails, or a law which is very antiquated, very outmoded and what not, that prevailed? I say that if anything has sustained this country through a thousand years, it is because of our system of life. It may be lethargic; it may be slow to move. But it moves along with the times and it adjusts to the situation that arises. Therefore, the Hindu system, in spite of its diversity, in spite of onslaughts from all sides, sustained itself and has shown results. Today, I can say without hesitation that our social system, at least with regard to marriage, is hundred times superior to what the western systems profess. I have intimate knowledge of those countries about which Pandit K. C. Sharma said yesterday. He said that we must fall in line with those civilised countries. Is it not shameful for us to say that we must fall in line with those so-called civilised countries and to say that we are less civilised? I say we are more civilised and we are not ashamed of what we are and of what our institutions are.

In England, people, say that the girls have got independence. I have known the facts from those families with whom I had stayed there. A girl of 18 is asked to be a paying guest in her father's house. She has no shelter in her own family. She has to be a paying guest in her father's family or else she should take to the street. This is the western system. Here, in this country, a girl is

[Shri C. D. Pande]

the supreme care of not only her father; —the father has of course got affection —but of her brother. Not only is she cared for by her brother, but even the distant relations have affection for her. That is our family tradition. Because of the members of the family enjoying a prestige in the whole family, they have got a sense of protection and they extend their protection to the girl. So, a girl is safer in our society; she has got greater sustenance; she is better looked after. Of course, there are hard cases, and hard cases are bound to happen everywhere. There are hard cases in the West and there are hard cases also in the East. But the hard cases should not make anyone come and say, "Look here, you are the most backward people, and the foreigners who visit this country say, that India is making good progress, for instance, in the development of projects like the Bhakra Dam, etc. But then they say, looking at the social life and the Indian marriage systems, that their division of property is an antiquated system". I am one of those who stoutly oppose this view. We should not look for a chit from the western countries and be told whether we are civilised or not. We are more civilised than they. It is an effrontery to say that we are backward and that we have to make much leeway to attain the level of the foreign countries.

Lord Tennyson said—and what he said then is appropriate in this context— "I, the heir of ages, foremost in the files of time." We can apply it equally to India. Yet, there is the travesty of things, this irony of fate, and we say that we are ashamed of that great heritage that India has. Therefore, do not be ashamed. Of course, if adjustments are necessary, they will come in. Adjustments take place not through legislations and Bills like this, but they take an imperceptible shape in the course of centuries. That, I believe, is more subtle; it does not require any amending Bill. It is likely that in this Bill you may have to amend this clause or that clause later. But the great social heritage that this country has built up, which has sustained us for thousands of years, changes imperceptibly and slowly. It is for that great civilisation that we are respected in the comity of nations. We are not respected in comity of nations because we have built the Bhakra Dam; we are respected for our knowledge of metaphysics and for what our philosophers have said. Most Western observers have said of India that She has got the most subtle mind; her mind is incomparable to that of any other nation in the world. Therefore, do not try to tease the Hindu people saying, "you are backward and you need reform". A backward nation cannot produce great thinkers; a backward nation cannot produce liberation of mind. India has got the most liberated mind; she has a mind which can think in terms of absolute objectivity. If you ask a Christian something, he gets wild. But, if you go and say to a Hindu that Sita was an ordinary woman, he does not say anything.

I again repeat, do not be ashamed of our past. Only the past has sustained you; only because of that you are respected by the nations and not because of your ordinary trivial achievements.

श्री भागवत झा आजाद: अध्यक्ष महोदय, मैं इस विधेयक का स्वागत करता हूं, लेकिन जिस रुप में यह है, उस रूप में नहीं । मैं सदा इस बात का समर्थक रहा हूं और हमारी प्राचीन संस्कृति का यह आदर्श है कि स्त्री और पुरुष समाज रूपी गाड़ी के दो पहिये हैं और समाज की सर्वांगीण उन्नति के लिये यह आवश्यक है कि दोनों को उचित स्थान दिया जाय । यह कोई नई बात नहीं है, जिस पर हमारे माननीय मंत्री और कुछ दोस्त बार बार जोर दिये जा रहे हैं और कह रहे हैं कि हमारी संस्कृति खराब है, हमारे विचार खराब हैं, हम ने स्त्रियों को दबा रखा है और हमारी देश की सब बातें सड़ी हुई हैं और हम को सुधार करना चाहिये।मैं यह मानता हूं कि हमारे शास्त्रों नें, हमारे कानून बनाने वाले मनु ने और हमारे अन्य विद्वान पुरुषों ने जिस समाज की कल्पना की थी और जो समाज प्रारंभ काल में था वह नहीं रहा । मैं यह भी नहीं मानता हूं कि आज हमारे समाज में स्त्रियों को वह स्थान प्राप्त नहीं है, जो कि होना चाहिये । मैं यह भी मानने के लिये तयार हूं कि हमारे कुछ बन्धू उन पर जुल्म करते हैं, लेकिन क्या यह सम्भव नहीं है कि जिस तरह कुछ पति जल्मी हैं, उसी तरह कुछ स्त्रियां भी हो सकती हैं जिनका व्यवहार आपत्तिजनक हो । मैं यह नहीं कह रहा हूं कि वे हैं, लेकिन मेरा निवेदन यह है कि अपवाद तो हर समय और हर स्थान पर पाये जा सकते हैं । मैं ने विवाह और विच्छेद विधेयक और विशेष विवाह विधेयक का भी समर्थन किया था और आज इस विधेयक का भी समर्थन करता हूं—पूर्ण रूप से समर्थ करता हूं, लेकिन मैं आप के सामने यह भी कहना चाहता हूं ।क सम्भव है कि मेरे कुछ माननीय

मित्र कहें कि तुम्हारे विचार असंतुलित और अपरिपक्व हैं और तुम क्या जानते हो और साथ ही यह भी कह दें कि:

> "I speak with twenty-five years' experience of bar and public life at my back."

मैं मानता हूं कि मेरा अनुभव आप से कम हो, परन्तु मेरा विचार है कि आप जिस वक्त मेरी उम्र के होंगे, उस वक्त आप चोरी करते होंगे या मछली मारते होंगे ।

मैं निवेदन करना चाहता हूं कि मेरी कांस्टीटयुएंसी, मेरा जिला और मेरा प्रदेश इस विधेयक का इस रूप में स्वागत नहीं करेगा। हम चाहते हैं कि लड़कियों को सम्पत्ति में अधिकार मिले, लेकिन यह कार्य क्रमशः और एक व्यवस्थित रूप से एक के बाद एक होना चाहिये । मैं यह पूछना चाहता हूं कि क्या मद्य निषेध कानून अच्छा नहीं है ? क्या देश इस का स्वागत नहीं करता हैं ? हम जानते हैं कि हम एकसाथ ही देश में मद्य निषेध लागू नहीं कर सकते, इस लिये हम ने निश्चय किया है कि इस विषय में हम क्रम के साथ बढ़ेंगे । क्या शारदा कानून यहां पर पास नहीं किया गया ? आज वह कानून कहां है ? वह कानून हवा में उड़ गया है—रद्दी की टौकरी में पड़ा हुआ है ? तथ्य यह है कि समाज इस प्रकार के कानूनों के लिये अभी तैयार नहीं है । इस लिये इस बात की आवश्यकता है कि इस विधेयक में सब परिस्थितियों को ध्यान में रख कर आवश्यक परिवर्तन किया जाय । परमपूज्य श्रीमती उमा नेहरू ने अभी जिस बात की ओर संकेत किया है, उस पर हम को गम्भीरतापूर्वक विचार करना चाहिये । प्रश्न यह है कि इस कानून को जमीन पर भी लागू किया जाय या नहीं । मैं जमीन पर सीलिंग (उच्चतम भूधारण सीमा) का समर्थक हूं और हमें इस बात का गौरव है कि हिन्दुस्तान भर बिहार में सर्वप्रथम यह कानून लाया है और वह आज-कल बिहार असेम्बली में पास हो रहा है जिस का तात्पर्य यह है कि जमीन पर सीलिंग लगाई जाय—एक परिवार को सिंचाई वाली जमीन पच्चीस एकंड और बिना सिंचाई वाली पचास एकड जमीन दी जाय । इस कानून के द्वारा जिस सम्पत्ति का बटवारा करने का विचार किया जा रहा है, क्या वह बम्बई और कलकत्ता में स्थित है ? वह सम्पत्ति का अस्सी प्रतिशत भाग देहात में है । मेरी समझ में नहीं आता कि इस कानून के द्वारा सम्पत्ति का बटवारा होगा या गरीबी का । मेरे परिवार के पास पच्चीस एकड़ जमीन हैं मेरे दो बच्चे हैं और मेरे बड़े भाई के छः बच्चे हैं अगर हमारे परिवार की लड़की को जमीन मिलेगी. तो वह केवल एक एकड़ होगी—एक एकड़ जमीन और एक झौंपडी मिलेगी । अगर वह लड़की उस जमीन को लेने आ जाय और मेरे भाई के पास उस को खरीदने के लिये रुपया न हो तो वह जमीन को दूसरे को बेचेगी और इस प्रकार अपने माता-पिता के पास आने में घबरायगी और डरेगी । इस लिये मैं कहना चाहता हूं कि जमीन को इस में सम्मिलित न किया जाय । जिस समय यह कानून पूर्ण रूप से देश में लागू हो जाय और हम आवश्यकता अनुभव करें, तो जमीन को भी इस में सम्मिलित कर सकते हैं । मैं आज कहता हूं कि उस समय मैं इस का स्वागत करूंगा । लेकिन कठिनाई तो यह है कि आप समझते हैं कि यह कानून पास कर देने से सारा मामला हल हो जायगा । मेरी बहिन श्रीमती सुभद्रा जोशी ने बड़े जोश-खरोश के साथ कहा कि इस कानून के पास होने से सब समस्यायें हल हो जायेंगी—शायद इस के पास होने से एस० आर० बिल (राज्य पुनर्गठन विधेयक) का मामला भी हल हो जायेगा और दिल्ली को डेमोक्रेटिक गवर्नमेंट (प्रजातात्रिक सरकार) भी मिल जायेगी—और यहां पर स्वर्ग स्थापित हो जायगा ।

मेरे मित्र श्री देशपांडे उदाहरण देते हैं राम चन्द्र और सीता का । मेरा निवेदन है कि वह जरा इस जमाने को देखें । जिस समय रामचन्द्र जी वन जाने लगे, तो सीता ने कहा कि मैं भी साथ चलूंगी, लेकिन अगर आज रामचन्द्र वन जाने लगें, तो सीता जी सुप्रीम कोर्ट से इंजंक्शन (आज्ञप्ति) ले आयेंगी । अपना अपना आदर्श होता है, जो कि समयानुसार बदलता भी रहता है । आ ज की सीता कह सकती हैं कि मुझे क्या पड़ी है कि मैं तुम्हारे साथ वन में मारी मारी फिरूं । इसी प्रकार लक्ष्मण का उदाहरण भी दिया गया है । लक्ष्मण ने कहा था कि मैं सीता की मनटिकिया नहीं पहचानता हूं, उन की पैंजनी पहचानता हूं , लेकिन आज का लक्ष्मण तो कहेगा कि मैं तो केवल सीता की मनटिकिया ही पहचानता हूं । मैं उन बातों का बिल्कुल समर्थक नहीं हूं, जो कि हमारे एक दो पूज्य पुरुषों ने कही हैं । इस विधेयक का हम समर्थन करते है, लेकिन हमारे मोरे साहब ने जो लम्बा चोड़ा भाषण दिया है, उससे मुझे अपने उस प्रोफेसर की याद आई है, जो कि हर रोज हम को यूनिवर्सिटी में कहा करता था :

> "Now I will give you the broader observations of the question."

[श्री भागवत झा आझाद]

हलांकि इकनामिक्स के हैड आफ दि डिपार्टमेंट (विभाग अध्यक्ष) हम को उस विषय में बहुत कुछ बता चुके थे और हम उतना ही जानते थे, जितना कि वह प्रोफेसर साहब जानते थे। वही स्थिति हमारे मोरे साहब की है। जो बातें हम उन से ज्यादा जानते हैं, वही बातें वह हमारे सामने बार बार रखने का प्रयत्न किया करते हैं। जब वह कांग्रेस में थे, तो उन को कुछ मिला नहीं। आज उन की एक मेम्बर की पार्टी कहती है कि हम इस विधेयक का समर्थन करते हैं। मैं भी तो इस का समर्थन करता हूं। यह श्रेय कांग्रेस पार्टी को है जिसने समाजवाद को कायम करने का प्रस्ताव रखा है, यह श्रेय कांग्रेस पार्टी को है जिसने विवाह और विच्छेद बिल पास किया है, यह श्रेय कांग्रेस पार्टी को है जिसने और विशेष कानून पास किये हैं, और यह श्रेय है कांग्रेस पार्टी को जो इस बिल को पास कर रही है। अगर अपोजिशन के मेम्बरों को सब चीजें समझायें तो उनको फायदा हो सकता है। मैं इस विधेयक के सिद्धान्त का समर्थन करता हूं और मैं यह मानता हूं कि औरतों को अधिकार मिलने चाहिये लेकिन मैं यह नहीं मानता कि आज ही वह उपयुक्त अवसर है जब कि वे अधिकार दें दिये जायें। १४ साल से यह बिल देश के सामने है। हमने चुनाव में यह कहा था कि हम इस कानून को पास करेंगे। जब जवाहरलाल जी से प्रभुदत्त ब्रह्मचारी ने पूछा कि क्या आप यह विधेयक पास करेंगे तो उन्होंने यहीं कहा था कि:

All I can say is, I will pass this Bill.

लेकिन यह कहां कहा था कि पहले क्लाज से लेकर आखिर तक पास करेंगे। हमारे मोरे साहब किसी के विचार की यह व्याख्या करते हैं जो कि उचित नहीं है। वह कभी ईस्ट इंडिया कम्पनी को कोट करते हैं और कभी आगे से और पीछे से कोट करते हैं। मैं इस बात को नहीं मानता। लेकिन मैं एक बात साफ साफ कह देना चाहता हूं कि जिस रफ्तार (गति) से समाज बढ़ रहा है उसी रफ्तार से हमको भी बढना चाहिये। हमको इतनी तेजी नहीं करनी चाहिये कि हम स्वयं ही गिर जायें। मैं इस बिल का समर्थक हूं। लेकिन मैं यह भी कहना चाहता हूं कि जिस प्रान्त का मैं रहने वाला हूं वहां की जनता इस विधेयक से सहमत तो है परन्तु वह यह नहीं चाहती कि इसको इस रूप में पास न किया जाये जिसमें कि आप कर रहे हैं। क्या आप ऐसा नहीं कर सकते कि एक दो साल तक देखें कि इसका सीलिंग पर क्या असर होगा। आपनें यह तै कर लिया है कि सारे देश में पांच साल में जमीन का सीलिंग हो जायेगा। अभी यह पता नहीं है कि सीलिंग क्या होगा, २५ एकड़ होगा या १० एकड़ होगा। अब आपके इस कानून के अनुसार हमारी उस जमीन का बटवारा होगा। हम लोग अपनी लड़कियों को, अपनी भतीजियों को अपनी चल सम्पत्ति दे सकते ह, लेकिन हमारे देश में ८० प्रतिशत सम्पत्ति अचल है। अगर आप को चल सम्पत्ति का बटवारा करना है तो आपको गम्भीरतापूर्वक सोचना चाहिये कि हम ऐसा करें या न करें।

मैं एक और सुझाव देना चाहता हूं। अगर आप चाहते है कि यह कानून जमीन पर भी लागू हो जाये, अगर आप चाहते है कि हम यह अधिकार सब लोगों को दें तो आपको लड़की को केवल उस सम्पत्ति में से हिस्सा देना चाहिये जो कि पिता के हिस्से की हो। जैसे कि अगर एक आदमी के दो लड़के हैं और एक लड़की है। तो पिता का तिहाई हिस्सा हुआ। उसमें से आप लड़की को हिस्सा दें। इसे हम मान लेंगे। मैं चाहता हूं कि आप मेरे दोनों सुझावों पर गौर करें। या तो आप जमीन पर इस कानून को लागू न करें या अगर करते हैं तो लड़की को केवल पिता के हिस्से में से हिस्सा दिया जाये।

आपने पढ़कर बताया कि क्लाज ४ के सब क्लाज (उपखंड) में यह कहा गया है कि यह जमीन पर लागू नहीं होगा। माननीय मंत्री जी मुझे माफ करेंगे, वह तो बड़े कानूनदां हैं। मैं ने भी कानून पास तो किया है पर मैं कभी आदालत में नहीं गया, मुझे वहां जाने से घबराहट है। यहां पर आपके चरणों में कुछ सीख रहा हूं। लेकिन जो इंटरप्रिटेशन (व्याख्या) आपने दिया है वही अदालतों में दिया जावेगा यह मेरी समझ में नहीं आता। इसमें लिखा है :

> ".....shall be deemed to affect the provisions of any law for the time being in force providing for the prevention of fragmentation of agricultural holdings or for the fixation of ceiling for the devolution of tenency rights in respect of such holdings."

यह इसका रूप है। पहले तो आप मुझे यह बतलायें कि आपने जो यह कहा कि वह कानून उन राज्यों में लागू नहीं होंगा जहां पर ऐसे कानून है। मैं पछता हूं कि ऐसे कितने राज्य है जिनमें ऐसा कानून है। क्या आप समझते है कि इस कानून के पास होने के बाद वे राज्य जिनमें

पहले से कानन नहीं है इस कानून की परवाह किये बिना कानून बना सकती है । और ऐसा प्रावीजन (व्यवस्था) कर सकती हैं कि जमीन के रूप में सम्पत्ति लड़की को नहीं दी जायेगी । क्या आप समझते हैं कि इस सब-क्लाज (उपखंड) के अनुसार लड़कियां जमीन में अपने हिस्से की मांग नहीं कर सकेंगी । अगर आपका ऐसा इंटरप्रिटेशन है कि लड़किया इस कानून के अनुसार जमीन में अपना हिस्सा नहीं मांग सकेंगी तो मुझे कोई ऐतराज नहीं है । लेकिन हम देखते है कि यह इंटरप्रिटेशन नहीं हो सकता । आप कहते हैं फ्रेगमेंटेशन आफ होल्डिग्स (जोतों का छोटे टूकड़े में बंटना) के बारे में .....

श्री कासलीवाल (कोटा-झालावाड़) : यह तो जमीन पर लागू होने के लिये रखा गया है।

श्री भागवत झा आजाद : यही बात है । फ्रेगमेंटेशन आफ होल्डिग्ज़ का जिक्र इसीलिये किया गया मालूम होता है कि लोग इसको होल्डिग के बारे में समझ लें । अभी तक इस बात का निर्णय नहीं हो पाया है कि होल्डिग क्या है, फ्रेगमेंटेशन क्या है, सीलिंग (अधिकतम सीमा) क्या है । मैं नही समझ सकता कि इस सब-क्लाज से जो आप कहते हैं वह कैसे सम्भव होगा । आज कांग्रेस की मीटिंग्स सभाओं में और बाहर भी कहा जा रहा है कि सीलिंग को लगाकर हम प्रोडक्शन (उत्पादन) को बढ़ायेंगे । लेकिन अब इस पर भी सन्देह प्रकट किया जाने लगा है । मैं तो अभी भी उन लोगों में हूं जो कि यह कहते है कि सीलिंग लगाने से उत्पादन बढ़ेगा लेकिन मेरे कुछ वैज्ञानिक और अर्थशास्त्री मित्र इस बात पर सन्देह प्रकट करने लगे हैं । वह समझते हैं कि शायद सीलिंग करने से प्रोडक्शन घट जाये । जहां यह हालत है वहां आपको यह भी सोचना होगा कि अगर किसी के पास एक एकड़ या दो एकड़ या तीन एकड़ जमीन होगी तो क्या उसका बटवारा करना ठीक होगा । अभी हमारे यहां सीलिंग का प्रश्न चल रहा है कितने ऐसे आदमी हैं जिनके पास बहुत जमीन है । आज हमारे यहां ९० या ९५ प्रति शत ऐसे किसान हैं जिनके होल्डिग बहुत छोटे हैं । मेरा विश्वास है कि इस दृष्टि से कानून मंत्री ने इस प्रश्न को सोचा ही नहीं है । आप अब सोंचे कि इसका क्या अर्थ होगा ।

मैं एक गरीब आदमी हूं । मैं ने हाल में अपनी भतीजी का विवाह किया है। पांच हजार रुपया तो नकद दिया है । इतने पर वे लोग इसलिये संतुष्ट हो गये कि उन्होंने समझा कि यह एम० पी० (संसद सदस्य) है कोई अच्छी नौकरी दिलवा देगा । बरात आयी डेढ़सो और कोई साढ़े तीन हजार रुपया उनके खाने पीने पर खर्च हुआ और इसके अतिरिक्त घड़ी, रेडियो आदि और दिया गया और यह हमने खुशी खुशी दिया क्योंकि हमने सोचा कि लड़की का हिस्सा हमारी प्रापर्टी (सम्पत्ति) में है । लेकिन अगर कानून पास हो गया और मेरे पुत्री हुई तो मैं कहूंगा कि मैरिज सैरीमनी (विवाह संस्कार) की कोई जरूरत नहीं है, कोर्ट में चलो पांच रुपये में शादी हो जावेगी ।

एक माननीय सदस्य : वह कानून तो है ।

2 P.M.

श्री भागवत झा आज़ाद : मैं भी कह रहा हूं कि वह कानून है । तो हम अपने होने वाले दामाद से कहेंगे कि कोर्ट में शादी कर लो और जो मेरी ६ एकड़ जमीन है उसमें से एक एकड़ तुम ले लो । मैं समझता हूं कि मेरी बहिनें मुझ से नाराज होंगी, लेकिन मैं इस प्रश्न को आर्थिक दृष्टि से देखता हूं क्योंकि मैं अर्थशास्त्र का विद्यार्थी हूं । यदि आज इस देश में सम्पत्ति चल होती तब तो दूसरी बात थी । लेकिन इस देश की ८० से ९० प्रति शत सम्पत्ति अचल है । मैं इसको ठीक नहीं समझता कि उसका बंटवारा हो । मुझे इस बात का दुःख है कि आपने सिर्फ एक ही बात को समझा है और वह है पिता की सम्पत्ति में लड़की द्वारा जैसे भी हो बंटवारा करने की बात। मैं ने जो कुछ कहा है उससे यह अर्थ नहीं लगाया जाना चाहिये कि मैं ने लड़कियों को पिता की सम्पत्ति में अधिकार मिलने का विरोध किया है । मैं ने तो केवल यह बतलाया है कि आज जैसी हमारी आर्थिक अवस्था है उसमें इस तरह का बटवारा करना संभव और उचित नही होगा । मैं इस बिल का समर्थन करते हुए यह चाहता हूं कि जमीन के बटवारे वाली बात को इसमें से निकाल दिया जाय । आज इस तरह का कानून लागू करने के लिये अनुकुल परिस्थिति विद्यमान नहीं है और इसलिये बेहतर होगा कि इसको एक साल बाद फिर लागू किया जाय और जमीन को इस कानून से बाहर रखने की जो बात श्रीमती उमा नेहरू ने की है उस पर सरकार को गम्भीरता-पूर्वक विचार करना चाहिये और हम अधिकांश सदस्य उनके इस विचार से सहमत हैं, जिस विचार का प्रतिपादन हमारी श्रीमती उमा नेहरू ने किया है, उसको सदन के अधिकांश सदस्यों का समर्थन प्राप्त है । इसके अतिरिक्त एक दूसरा

[श्री भागवत झा आज़ाद]

आलटरनेटिव (विकल्प) यह है कि अगर लड़की को हिस्सा देना है तो उसको पिता की सम्पत्ति में से दिया जाय और सब भाईयों के बराबर दिया जाय । इन शब्दों के साथ मैं इन शर्तों के साथ इस विधेयक का समर्थन करता हूं

Shri S. V. L. Narasimham (Guntur): I have been following the speeches of some of the hon. Members. It looks as though they suggest that those of us who are in support of this Bill are out to destroy the ancient culture that has been handed over to us. I would respectfully submit, and emphatically too, that I am as much proud of the ancient culture as those who have claimed the same with respect to it. But, after all, I would like to question whether there is nothing like development of culture, whether culture reaches a particular point and there stops and stagnates. What I gathered and understood from the ancient culture that has been handed over to us is that society should stand for development, and as such society has got a right as much as a duty to adjust itself and frame laws and regulations to contribute to progress in the future also. So, if today we want to codify any particular aspect of Hindu law, it does not suggest for a moment that it is inconsistent with the ancient culture that has been handed over to us.

You will agree with me that legislation, after all, is not the end but only the means, and legislation must reflect the aspirations of the people and must be such as to facilitate the fulfilment of the aspiration, and not to retard it. Now, let us think for ourselves as to what kind of society we would like to evolve in this country. Is it our wish that we should have a society in India which encourages the observance of untouchability? Is it not our aspiration to root out untouchability in every form and fashion in which it is being exercised? Do we want that we should allow our women to be confined to the perpetual misery of widowhood? Is it not our ambition to rescue them from that position? Is it not being said that our society being caste-ridden has practically led to the disintegration of the nation itself? Are we not out to eliminate casteism and communalism? Further, if only we read our Constitution, we will easily find what our objectives are. We have stated there that it is our aspiration to promote social and economic justice. We would like to remove all inequalities. We want to abolish discriminations based on sex or religion or caste. Under these circumstances I would respectfully submit that it is our right to frame the law which is going to fulfil our aspirations, and we also owe it to ourselves as a duty that we should proceed ahead. After all, the ancients themselves conceived of a pattern of society which they felt was the best and they framed regulations in order to achieve that object. If that was so we are equally justified in deciding to amend the regulations when we are convinced that it is going to contribute to the progress of our nation.

Another argument that is being advanced is that this law is out to disrupt family life, particularly joint family life. I disagree with it. I have read and studied every provision of this Bill and I have not been able to convince myself that there is a single provision which seeks to destroy the joint family system. The Bill contents itself by declaring who the persons will be who will succeed to the property of the deceased and what their share in the property will be. It does not suggest for a moment that every heir should necessarily ask for partition. There is nothing to suggest that this Bill contains it. If a person is entitled to property and he asks for partition, it is being done not under this Bill but under the existing law itself. I for one cannot convince myself that this Bill as such is going to lead to disruption of the joint family. Let us understand the present law itself particularly in relation to Mitakshara coparceners. What is the peculiar feature of the Mitakshara coparcenary? The Mitakshara coparcenary has got a distinguishing feature namely that the moment a son or grandson or great-grandson is born in a family, he secures a right by birth to a share in the joint family property. And survivorship is another distinguishing feature of the system.

[MR. DEPUTY-SPEAKER *in the Chair*]

But does these Hindu coparcenary system assure or ensure against partition of the lands? When you concede a right by birth, you have also conceded the right to partition. And to effect a partition nothing is needed. A mere unequivocal communication by one member of the coparcenary to the other members of his intention to partition is itself sufficient in law to amount to

partition. So, the moment you have conceded the right to partition, that itself shows clearly that you have shown the seeds for the disruption of the joint family, and it is idle to contend that this Bill is going to contribute to the disruption of the joint family.

Then I come to the clauses themselves. I was one of the members of the Joint Committee. We thought it proper to define the word "related" under clause 3(1)(j). The Bill as it was introduced and presented to the Joint Committee suggested that so far as illegitimate children were concerned, they should be treated as legitimate in relation to the mother only. But we have to take into account the provisions that have been passed by this Parliament itself under the Special Marriage Act and the Hindu Marriage Act. In those cases also, under certain circumstances, if a marriage is declared void or invalidated, we thought it proper for us to protect the interests of the offspring for the simple reason that its interests require protection because of the declaration of nullity of the marriage. We thought that it would be proper for us, and the canons of natural justice themselves demand that the interests of the children who are innocent should be protected. So we felt that in all cases where the children could establish who the father was, they must be treated as related to the father also. This is nothing new. It has been a principle which has been accepted by this House itself when we enacted similar provisions under different enactments on prior occasions, and therefore I would suggest that the word "related" in so far as it relates to illegitimate children should also include legitimacy so far as the father's property is concerned.

Then I come to clause 4(2). I am afraid that under a misconception this clause is sought to be attacked. This clause does not exclude agricultural property from the operation of this enactment. We know that various State legislatures have been taking steps to prevent fragmentation of holdings. It is not a question of interference with the rights that people have acquired in the property, but it is only to prevent division by metes and bounds that the legislatures have contemplated legislation. There have been some doubts expresserd by some hon. Members that in the absence of a specific provision, this may interfere with the progressive legislation of agrarian reform that has been going on in the various States. It is only for that limited purpose of obviating any future disputes or doubts in regard to this matter that this clause was decided to be incorporated in the Bill. I would, however, add that even if this clause were to be totally deleted from the Bill itself, the situation will remain the same.

An argument has been advanced that agricultural property should be excluded from the term 'property'. After all, agricultural property is the main property that we have got in this country. With a view to preventing fragmentation and disruption of the whole property and so on, I can understand Parliament or the State Legislatures coming forward with legislation prohibiting even partitions. But I am unable to understand why agricultural property should be excluded. The working of this Bill will in no way effect the increase in production or the utility of the land, and it will not lead to any disastrous effects.

Then, I come to clause 6. I do agree that this clause does not read very happily. In fact, the underlying principle of this measure is that the discrimination on grounds of sex between men and women in regard to the right to property should be abolished. And we really wanted to ensure that equality. We did not want to be dogmatic. We did not want to be totally opposed to the wishes of our hon. friends like Pandit Thakur Das Bhargava. So, in the Joint Committee, the anxiety on the part of all of us was to see to it that if it were possible for us to retain the theory of right by birth and the theory of right by survivorship, and at the same time confer the benefit of an equal share on a woman, then we ought to do so, and we ought to retain it. On the other hand, if that were not possible we felt it proper, the whole system of Mitakshara coparcenary itself should be abolished. The majority of the Members in the Joint Committee took the view that it was possible, and by utilising their ingenious minds they thought that they could certainly reconcile both. Then, attempts were made to ensure this. Various drafts were circulated and discussed, and ultimately the provision took the present shape. If any hon. Member were to go through the various dissenting minutes appended to the Joint Committee's report, he would find unanimity of

[Shri S. V. L. Narasimham]

agreement on the part of the Members —irrespective of whether they supported it or opposed it—that so far as this clause 6 was concerned, it did not read quite happily, and that it did not fulfil the object with which it was sought to be framed.

After all, let us not forget that the Mitakshara coparcenary system is a dwindling institution. The moment you have conceded the right to partition, that itself has led practically to the disruption of the coparcenary system, so much so that there is absolutely no meaning in thinking in terms of trying to arrest the decay of an institution which is anyhow going to die. However, if it is possible to give the same right to a daughter as to a son, then I would say that let any hon. Member come forward with a suitable amendment which is going to fulfil that purpose, and I shall be the first person to support that. But I, for one, at this juncture, have absolutely no doubt that it is not possible for us to achieve such an object so long as we do not abrogate the right by birth and so long as we do not put an end to the theory of survivorship.

I agree to the criticism directed against clause 17(1) and clause 17(2)(a). This clause does not affect the general rule of succession in the case of female Hindus. The Code, as a matter of fact, gives the right to a share in the property of a deceased person, to a wife, even though there are no children. But in the case of the husband, when the property has devolved upon his wife through her father or mother, in the absence of children, it looks as though he is denied his legitimate share. This is discrimination and nothing else. I have received also the views of women on this clause. They also have protested against this. I would therefore respectfully submit that clause 17(1) should be suitably amended.

In conclusion, I should submit that there is absolutely nothing here by way of giving up our ancient traditions or ancient culture. All that we are seeking to do is to see to it that society will progress in an orderly fashion, and that what is felt to be a social evil which has crept in, and of the evil effects of which we are convinced, namely the inequity which has crept in, should be allowed to go. That is all that we are seeking to do. The ancient culture in all its pristine glory is being maintained intact, and the modifications that we are suggesting by way of this Bill are only to contribute to the further growth of our culture and not in any way to destroy it.

श्रीमती कमलेन्दुमति शाह (जिला गढ़वाल पश्चिम व जिला टिहरी गढ़वाल व जिला बिजनोर-उत्तर) : उपाध्यक्ष महोदय, पुत्रियों को सम्पत्ति में अधिकार मिलने के सम्बन्ध में मेरे विचार इस प्रकार हैं । महिलाओं के कष्ट दूर करने के लिये आज इस सदन में मेरे भाई जिनके यहां भी पुत्रियां हैं, बहनें हैं, मातायें हैं, जो प्रयत्न कर रहे हैं वह सराहनीय है । परन्तु उन प्रयत्नों का परिणाम क्या होगा मैं समझती हूं कि यह भी एक विचारने की बात है । आज मुझे दुःख के साथ यह कहना पडता है कि आज स्त्रियों की दूर्दशा हो रही है, यदि स्त्रियों को कष्ट है , यदि आज वह उचित बर्ताव नहीं कर रही हैं, तो इस का कारण उन के भाई पिता और पुत्र हैं । इस लिये यदि स्त्रियों के दुःखों को आप दूर करना चाहें तो पिता, भाई और पुत्र ही दूर कर सकते हैं और उस के लिये वही उपाय कर सकते हैं । कोई भी पिता अपनी पुत्री को देने में कुछ कमी नहीं करता है, यहां तक कि उस का विवाह करने में ऋणी तक हो जाता हैं, अनगिनत कष्ट सहकर पिता विवाह करने के बाद पुत्री को त्योहारों में बुला कर कुछ न कुछ अवश्य देता है । पिता को पुत्री की चिन्ता जितनी होती है उतनी पुत्र के लिये नहीं होती । पुत्र के लिये इतनी ही चिन्ता होती है कि वह थोड़ा पढ़ ले और पढ़ने के बाद कुछ काम करे और खेती में हाथ बटाये । लेकिन जैसा मैं ने कहा पुत्री की चिन्ता में वह ऋणी तक हो जाता है । इस लिये यह नितान्त गलत बात है कि पिता पुत्री की अवहेलना करता है अथवा पुत्री को पिता कि सम्पत्ति का पुत्र के समान भाग नहीं देने से पुत्री की समाज में अवहेलना होती है । या समाज में उस का आदर कम हो जाता है । पिता की सम्पत्ति का आधा भाग तो सम्पत्ति कर में चला जायेगा, जो आधा भाग बचेगा वह पुत्रों के बीच बटेगा, जिस के कारण भाई भाई में स्वयम् झगड़ा होता है उस में यदि बहन ने अपना भाग मांगा तो उस पर से भी भाइयों का भी विश्वास उठ जायेगा, उन का प्रेम खत्म हो जायेगा कल यहां कहा गया कि बहन का और भाई का बंधन बहुत मजबूत होता है। यह सब होते हुए भी अगर बहन अपना भाग नहीं मांगती तब भी ससुराल वाले तो कानून का आश्रय

लेने से कभी नहीं चूकेंगे । नतीजा यह होगा कि सम्पत्ति के टुकड़े टुकड़े हो जायेंगे और उस सम्पत्ति को बचानेके लिये ममेरे और चचेरे भाई बहन में विवाह होने की प्रथा चल पड़ेगी और हमारा नैतिक पतन हो जायेगा ।

यह जो कहा जाता है कि लड़कियों को बराबर का भाग देने से समाज उन का आदर करेगा, इस में मुझे शक है । आदर के बदले घर में रही सही शान्ति और आपस का प्रेम भी खत्म हो जायेगा और बहन को तब भी कुछ प्राप्त नहीं होगा । आज मैं पूछना चाहती हूं कि अगर बहन को सम्पत्ति का बराबर भाग मिलेगा तो क्या उस के कोमल कन्धों पर आप उस के पिता के कर्ज का बोझ भी डालेंगे जो कि भाई तथा घर वाले देते हैं ?

एक माननीय सदस्य : कर्जा का बोझा भी उठाना पड़ेगा ।

श्रीमती कमलेन्दुमति शाह : गरीब से गरीब मां और बहिन अपने पति और बच्चे को, भाई को स्वयं भूखे रह कर खिलाती हैं । जब बहन अपना भाग मांगने लगेगी तो क्या उस का प्रेम अपने भाई के प्रति सुदृढ़ रह सकेगा ? कम से कम मुझे तो इस में शंका है ।

कन्या भी पुत्र के समान पिता की सम्पत्ति का भाग पा जायेगी, सुनने में यह बहुत भला लगता है, परन्तु व्यवहारिक रूप में इस का क्या परिणाम होगा ? इस का परिणाम यह होगा कि वर पक्ष वाले केवल सम्पत्ति का ध्यान रखेंगे कि कन्या के आने से कितनी सम्पत्ति मिलेगी और उसी के अनुसार सम्बन्ध करेंगे । इस से मुझे यह शंका होती है कि कन्या को विवाह के पश्चात् शायद ही कोई आराम न मिल सके । यह एक विचारणीय विषय है ।

यदि पति द्वारा पत्नी को कोई भाग मिल सकता है तो उस का उपाय रखा जाय क्योंकि यह ठीक है और उस को पति की सम्पत्ति में से आधा भाग दिलाया जाना चाहिये । महिलाओं को अपने पति की सम्पत्ति में पूर्ण अधिकार है और वह उन को मिलना चाहिये । मेरी समझ में यह बात नहीं आ रही है कि जैसे भाई से आप बहन को आधा भाग दिला रहे हैं उसी तरह से आप पति से पत्नी को उस की सम्पत्ति का आधा भाग क्यों नहीं दिला रहे हैं । यह बात मेरी समझ में नहीं आती है । यह तो बिलकुल सीधी सी बात है कि स्त्री ने विवाह के बाद जिस घर मे जाना है उस घर में सम्पत्ति का भाग मिलना चाहिये । अगर उस को भाई की सम्पत्ति में भाग देने की व्यवस्था की गई, तो वह सम्पत्ति पराये हाथों में चली जायगी और पितृगृह वालों को अवश्य असुविधा होगी इस बात में कोई संशय नहीं है । अगर पति की सम्पत्ति पर पत्नी का अधिकार होगा, तो इस में पति को कोई असुविधा का प्रश्न ही नहीं है और आवश्यकता पड़ने पर वह सम्पत्ति उस स्त्री के काम आयेगी ।

मेरा यह निवेदन है कि अबैध बच्चों को कोई अधिकार न देना बहुत गलत बात है । उन बच्चों का कोई दोष नहीं होता है । अगर आप उन को कुछ नहीं देना चाहते हैं, तो इस का तात्पर्य यह है कि आप उन को भूखा मारना चाहते हैं ।

इस विधेयक द्वारा स्त्रियों को अधिकाधिक सुख पहुंचाने के लिये प्रयत्न किया गया है । परन्तु इस सम्बन्ध में मुझे अधिकार होता तो मैं तो यह व्यवस्था करती कि पुत्री के जन्म लेते ही पिता एक बचत योजना आरम्भ कर दे और विवाह के समय वह धन उस को दे दे । इस प्रकार कन्या का भावी जीवन अधिक सुरक्षित हो जायेगा।

यह भी व्यवस्था की जाय कि विवाह के समय पति की सम्पत्ति का आधा भाग पत्नी को दे दिया जाय । इस अवस्था में पति अपनी पत्नी को कष्ट पहुंचाने में झिझकेगा और उस से ज्यादा मेल से रहने की सम्भावना होगी । अगर वह उस को कभी कष्ट भी देगा, तो वह सम्पत्ति उस स्त्री के काम आयगी और वह बिल्कुल असहाय और निराश्रय नहीं हो जायगी ।

यह बात बिल्कुल उचित और आवश्यक है कि अगर स्त्री का चालचलन बुरा हो या वह दूसरा विवाह कर ले, तो उस को पति की सम्पत्ति से वंचित कर दिया जाय ।

विवाह के समय पिता के द्वारा दिये गये धन को दहेज कहा जाता है, परन्तु उस को स्त्रीधन मानना चाहिये । आप हिन्दु ला में देखिये अथवा हिन्दी शब्द-कोष देखिये, आप यही पायेंगे कि दहेज का अर्थ स्त्रीधन है, अर्थात् स्त्री उस की मालिक हो, लेकिन हम देखते हैं कि दहेज को वर की सम्पत्ति समझा जाता है । वर को तो जो कुछ लेना होता है, वह तिलक के समय दिया जाता है । और केवल उसी धन पर उसका अधिकार होता है उस धन को वह अपने पास रखे, लेकिन दहेज पर स्त्री का ही अधिकार

[श्री कमलेन्दुमति शाह]

होना चाहिये हम पुस्तकों में पढ़ते है कि पुराने राजा विवाह के समय दहेज में अपनी पुत्री को दासियां और गउए देते थे, जिन पर पुत्री का अधिकार होता था ।

स्त्रीधन को स्त्री अपने जीवन-काल में जिस प्रकार चाहे व्यय करे और उस पर उस का पूर्ण अधिकार हो और मृत्यू के बाद वह उस के पुत्र और पुत्रियों में बाट दिया जाय तथा उस पर मृत्यु कर नहीं लगना चाहिये । अगर आप स्त्रियों को वास्तव में कुछ सुविधा और सुख पहुंचाना चाहते हैं, तो यह प्रबन्ध कर दीजिये ।

मैं कानून के बारे में कुछ नहीं जानती लेकिन मैं अनुभव करती हूं कि इस में एक बड़ी उल्टी व्यवस्था यह की गई है कि पुत्री की सम्पत्ति माता-पिता को जाय । पता नहीं यह किस की ब्रेन-वेव (दिमाग की सूझ) है ? मेरी समझ में तो यह बात बिल्कुल नहीं आई है ।

वर्तमान विधान पति की मृत्यु के पश्चात पत्नी को उसकी सम्पत्ति की पूर्ण अधिकारिनी और समभागिनी बना देता है । अगर यह अधिकार विवाह के समय ही उस को दे दिया जाय, तो कितना अच्छा हो । इस तरह वह निश्चिन्त हो कर अपना जीवन व्यतीत कर सकेगी ।

मैं समझती हूं कि इस के साथ ही साथ यह व्यवस्था भी कर दी जाय कि अगर विवाह के पश्चात पति की आर्थिक स्थिति सुधर जाय, तो उसी अनुपात से पत्नी के भाग को भी बढ़ाया जाता रहे ।

अगर पुत्री का विवाह न हो या वह विवाह न करना चाहे, तो विवाह के समय दिया जाने वाला धन पिता उस के नाम कर दे और अगर उसके नाम करने से पहले ही पिता मर जाय, तो भाई से वह सम्पत्ति बहिन को दिलाई जाय अगर बहिन वयस्क न हो, तो उस सम्पत्ति को उस के लिये सुरक्षित रखा जाय और बालिग होने पर उस को दे दिये जाय, चाहे वह विवाह करे या न करे ।

यह विधेयक केवल हिन्दुओं पर लागू किया जाना अहितकर है और प्रजातंत्र के विरुद्ध है । इस प्रकार की व्यवस्था की जाने पर पिता, पति और मृत माता का भाग पाने से देश की सब स्त्रियों का जीवन सुखी व सुरक्षित हो जायेगा अत: उस को भाई का भाग दिलाना अनुचित होगा । माता की मृत्यु के बाद भी उस को उसकी सम्पत्ति का भाग मिलेगा। अगर वह अपने भाई से भाग मांगती है, तो वह अन्याय है और मेरे विचार में उस का मन कभी भी ऐसा करने की उसे अनुमति न देगा । उस को विवाह समय में पिता, पति द्वारा जो भाग मिल जायेंगे जो उसके लिये पर्याप्त होंगे अगर ऐसी व्यवस्था की जायगी, तो स्त्री हर प्रकार के कष्ट से बच जायगी और उस को किसी की सहायता तथा न्यायालय की शरण लेने की आवश्यकता नहीं होगी । नहीं तो पिता के मरने तक उसे सम्पत्ति पाने को ठहरना होगा और आवश्यकता पड़ने पर उसे धन न मिल सकेगा ।

अगर पुरुष वास्तव में महिलाओं की सहायता करना चाहते हैं तो मेरे विचार में सब से पहले उन को वेश्यालय बन्द करने चाहिये थे—ब्राथेल्ज (वेश्या गृह) बन्द करने चाहिये थे । आज वेश्यालय किस के कारण खुले हैं ? वे हमारे पुरुष भाइयों के कारण ही खुले हुए हैं । उन को बन्द कर के आप सचमुच स्त्रियों की रक्षा करेंगे । दूसरे कई देशों मे ऐसा किया जा चुका है । चीन में ऐसा कर दिया गया है । यहां भी इस ओर कदम उठाना आवश्यक है । जो स्त्रीयां वेश्यालयों में फंसी हुई हैं, उन को निकालने के साथ उनकी सुविधाओं का प्रबन्ध किया जाना चाहिये । इस लिये पहले कानून बनाना चाहिये । उन छोटी छोटी बच्चियों को बचाना चाहिये जो कि पांच छः वर्ष की उम्र से ही वेश्यालयों के वातावरण में रखी जाती हैं । ऐसा करने से आप सचमुच स्त्रियों का कल्याण करेंगे ।

पंडित डी० एन० तिवारी : उपाध्यक्ष महोदय हम लोगों की तरफ एक कहावत है कि :

"चले थे हरि-भजन को, ओटन लगे कपास।"

हम यहां पर आये थे समाज सुधार करने और हिन्दुस्तान की आर्थिक हालत सुधारने लेकिन इससे पहले कि हम आर्थिक हालत को सुधार सकें या इस देश की नव्वे प्रति शत गरीब जनता को कुछ सुख-सुविधा दे सकें, हम उस के चना का बटवारा करने में लग गये हैं । जो लोग देहात में गये हैं, जिनकी कांस्टियुएंसी (निर्वाचन क्षेत्र) देहात में है, उन को ज्ञात होगा कि देहात में साधारणतया लोगों के पास दो तीन एकड़ जमीन होती है और उस जमीन को वे लड़की की शादी में बन्धक रख देते हैं और हर लिहाज से उस की शादी ठीक प्रकार से करने की कोशिश करते हैं । ऐसी जगहों में और ऐसे लोगों के सामने ये कानून बनाना कि वे दो तीन एकड़ जमीन में से एक चौथाई हिस्सा या आधा हिस्सा

लड़की को दे कर अपनी जवाबदेही से बरी हो जायें कहां तक उचित है, यह सोचने की बात है। मैं नहीं समझता कि इस तरह हम कहां तक उन के साथ न्याय कर रहे हैं या औरतों के हक में अच्छे कानून बना रहे हैं। जो लोग इस कानून के प्रवर्तक हैं, उन के दिमाग में यह बात थी कि स्त्रियों की हालत सुधरे और उन को धन में हिस्सा मिले। इस सदन में कोई भी ऐसा आदमी नहीं है, जो उन को यह हक नहीं देना चाहता है। फर्क हम लोगों में यह है—हमारे विचारों में विभिन्नता इस बात में है—कि वह हक कहां मिलें और कैसे मिले। प्रश्न यह नहीं है कि हम औरतों को सदा गुलाम बनाये रखें या उनको कोई हक न दें। सोचना यह है कि किस हालत में और कहां उनको हक देने से उनकी भलाई होगी और समाज का कल्याण होगा और हिन्दुस्तान में जो होल्डिंगस का फ्रेगमेंटेशन (जोतों का बंटवारा) हो रहा है उससे बचा जा सकता है किन्हीं लोगों का विचार है कि पिता के धन में लड़कियों को हिस्सा दिया जाये तो कुछ लोगों का मत है कि पति के धन में स्त्री को हिस्सा दिया जाये। दोनों में कौन सी बात अच्छी है यही विचारणीय बात है। आज कल कुछ लोग कह देते हैं कि यह लोग दकियानूसी हैं और औरतों का अधिकार नहीं देना चाहते। आज कल यह कहना कुछ फैशन सा हो गया है। आज कल ऐसे बहुत से तथाकथित सुधारवादी हैं जो कि अपने को बहुत ऊंचा समझते हैं और जो लोग देश की वस्तुस्थिति को देखकर चलना चाहते हैं उनको वे दकियानूसी कहते हैं और अपने को बड़ा सुधारवादी समझते हैं। उनसे मैं कहना चाहता हूं कि वे अपनी कांस्टिट्यूएंसी (निर्वाचन-क्षेत्र में जायें और अपने कांस्टिट्युएंटस (निर्वाचकों) के सामने यह बात रखें कि उनकी जो एक दो एकड़ जमीन है उसमें से उनकी लड़की को भी लड़के के बराबर हिस्सा दिया जाये और जो जवाब मिले उसको देखें और फिर उनके सामने यह चीज रखें कि उनकी जमीन में से उनकी स्त्री को भी हिस्सा दिया जाये और जो इसका जवाब मिले उसे भी देखें और दोनों का मुकाबला करें। मैं समझता हूं कि ८० या ८५ प्रतिशत आदमी इसके पक्ष में होंगे कि उनकी स्त्री को उनकी जमीन में से हिस्सा दिया जाये और ८० या ८५ प्रतिशत इसके खिलाफ होंगे कि लड़की को पिता कि जमीन में स हिस्सा दिया जाये। हिन्दु समाज में यह बात विशेष रूप में अच्छी समझी जाती है कि लड़की को पिता की जमीन का हिस्सा न मिले बल्की पति की जमीन का हि सा मिले। और इसका कारण है। इसका कार यह है कि हिन्दू अपनी लड़की का नजदीकी रिश्ते में विवाह नहीं करते। मुसलमान समाज में और ईसाई समाज में लड़की का विवाह नजदीकी रिश्ते में किया जाता है इसलिये वहां स्थिति दूसरी है। मान लीजिये कि किसी हिन्दू लड़की की शादी बीस पच्चीस मील या सैकड़ों मील दूर होती है और उसके पिता के पास चार एकड़ जमीन है उसके चार लड़के और दो लड़कियां हैं। अगर उसकी जमीन का लड़कों और लड़कियों में हिस्सा होगा तो लड़कियों को क्या मिलेगा? एक लड़की को आधा एकड़ जमीन मिलेगी जिसकी कीमत दो सो या ढाई सौ रुपये होगी। हर एक आदमी अपनी लडकी की शादी अपने से ऊंचे घर में करने की कोशिश करते है और ऐसा करने के लिये कांफी रुपये खर्च करता है और जितना लड़की का हिस्सा होता है उससे कहीं ज्यादा खर्च करता है। लेकिन अगर यह कानून पास हो गया तो कोई लड़की के हिस्से से ज्यादा खर्च करके उसके लिये ऊंचा घर नहीं देखेगा। केवल उसको उसका हिस्सा भर देगा हमारी बहिनें समझती है कि जमीन में हिस्सा मिलने से उनकी स्थिति ज्यादा अच्छी हो जायेगी और न जाने उनको क्या अलभ्य वस्तु मिल जायेगी लेकिन यह उनका भ्रम है। हमारी बहिनें बम्बई, कलकत्ता, मद्रास और दिल्ली जैसे बड़े शहरों की स्थिति को ही केवल देखती है। उनको देहातों की स्थिति का कोई ध्यान नहीं है। यदि उनको देहातों के जीवन का ध्यान होता तो वे ऐसी मांग पेश न करती।

इस बिल मे ज्वाइंट सिलेक्ट कमेटी (संयुक्त प्रवर समिति) ने जो प्रावीजन (उपबन्ध) रखे थे उनके विपरीत राज्य सभा ने इसको और भी खराब कर दिया है। अभी हमारे भाई श्री सी० डी० पांडे ने कहा था कि यह बिल समाज सुधार का बिल था और इस लिये इसको पहले इस हाउस (सभा) में आना चाहिये था इस लिये कि राज्य-सभा नहीं बल्कि लोक सभा जनता की प्रतिनिधि है और लोक सभा की जवाबदेही जनता के प्रति है, राज्य सभा क सदस्यों की जवाब देही जनता के सामने नहीं है। हमको जनता के सामने जाना पड़ता है और उसकी बातें सुननी पड़ती हैं। हमको देखना चाहिये कि जनता क्या चाहती है और वही हमको करना चाहिए। लेकिन यह दुर्भाग्य की बात है कि यह बिल पहले वहां गया। अब हम लोगों को जो जनता के प्रतिनिधि हैं यह देखना चाहिये। कि यह कानून ऐसा बने जिससे जनता की रक्षा हो सके। बिल में यह प्रावीजन है कि हसबेंड (पति) के मरने के बाद विडो (विधवा) को एबसील्यूट राइट

[पंडित डी० एन० तिवारी]

(पूर्ण-अधिकार) हो जाये । अगर विडो इश्यूलैस (निस्सन्तान) हो और पुनर्विवाह कर ले तो वह सारी प्रापर्टी (सम्पत्ति) दूसरे आदमी के घर चली जावेगी । अगर वहां भी वह इश्यूलैस रहे और फिर भी विडो हो जाये और तीसरी जगह विवाह करे तो वह दोनों घरों की प्रापर्टी तीसरे घर चली जावेगी और वहां उसके बच्चा हुआ तो वह सारी प्रापर्टी उस बच्चे को मिल जावेगी । यह अजीब सी बात है । हमको यह प्रावीजन करना चाहिये कि यदि कोई विडो हो जाये और उसके बच्चा न हो और वह दूसरा विवाह करे तो उसकी प्रापर्टी ओरिजिनल होम (मूलगह) को रिवर्ट (वापस) करे न कि उसके साथ चली जाये ।

Shri Sivamurthi Swami (Kushtagi): May I point out to the hon. Member that there is clause 26 in which there is a provision for certain widows re-marrying not inheriting as widows. It reads:

> "Any heir who is related to an intestate as the widow of a pre-deceased son, the widow of a pre-deceased son of a pre-deceased son or the widow of a brother shall not be entitled to succeed to the property of the intestate as such widow, if on the date the succession opens, she has re-married."

There is this provision.

पंडित डी० एन० तिवारी : शायद आनरेबिल मेम्बर को कुछ भ्रम हुआ है । मैं तो दूसरी बात कह रहा हूं ।

उपाध्यक्ष महोदय : माननीय सदस्य अपना भाषण जारी रखे । वह आलाहिदा बात है ।

पंडित डी० एन० तिवारी : हम चाहते हैं कि क्लाज ६ का एक्सप्लेनेशन (स्पष्टीकरण) हटा दिया जाये । उससे कोई फायदा नहीं है और केवल झगड़े बढ़ जायेंगे ।

एक बात मैं और कहना चाहता हूं जो कि मैं भूल ही गया था । सरकार यह नहीं चाहती कि मिताक्षरा कानून को सीधे सीधे हटा दिया जाये । अगर सरकार चाहती है तो वह सदन में सीधे यह कानून ले आवे कि हमको मिताक्षरा कानून हटाना है । लेकिन ऐसा न करके राउंड एबाउट (गोल मोल) तरीके से उसको हटाने का प्रयत्न किया जाता है । यह ठीक नहीं है । यह हम लोगों की कायरता का द्योतक है कि उसे सीधे नहीं हटाते बल्कि लोगों को भुलावा दे कर उसे हटाने की कोशिश करते हैं । मैं मानता हूं कि एस्टेट ड्यूटी (सम्पदा शुल्क) की वजह से इनकम टैक्स ला (आयकर विधि) की वजह से ज्वाइंट हिन्दु फैमिली (संयुक्त हिन्दु परीवार) डिसइंटीग्रेट (छिन्न भिन्न) होता जा रहा है और हमारे सदन के बहुत से सदस्य हैं जो कि यह चाहते हैं कि यह जल्दी से जल्दी खत्म हो । उनको यह नहीं मालूम है कि अभी भी जब हमारी सरकार हर एक बालिग को या काम करने वाल को काम नहीं दे सकती है या उनकी रोजी का प्रबन्ध नहीं कर सकती है तो उनका आश्रय वही ज्वाइंट फैमिली सिस्टम होता है । मैं पूछता हूं कि अगर ज्वाइट फैमिली सिस्टम न रहे तो ऐसे लोगों को जिनका कि वहीं ठिकाना नहीं है उनको कहां आश्रय मिलेगा ? आज भी इस तरह के बेकार लोग अपने चाचा और मामा के वहां जा कर रहते हैं और वहां पर उनको आश्रय मिलता है । अगर यहां पर ज्वाइंट फैमिली सिस्टम न होता तो आपके देश में रेवूलूशन (क्रान्ति) होता और वह रेवूलूशन ऐसा होता कि लोगों को चैन से सोने नहीं देता । ज्वाइट फैमिली सिस्टम कुछ पढे लिखे लोगों में और जो शहर में बसते हैं वहां तो हटाना चाहते हैं लेकिन देहातों में यह ज्वाइंट फैमिली सिस्टम बहुत उपयोगी सिद्ध होता हैं और वहां पर इसको हटाया जाना लोग पसंद नहीं करेंगे । हमारे देखने में आता है कि मामा अपने बेकार भांजों को आश्रय देता है...

Dr. Suresh Chandra (Aurangabad): Mama is not in the joint family.

पंडित डी० एन० तिवारी : हमारे देहातों में जो परिपाटी चली आती है उसके अनुसार वह उसमें आता है, भले ही आपकी कानून की डेफ्नीशन (परिभाषा) में न हो लेकिन यह हकीकत है कि एक मामा अपने भानजे को आश्रय देना अपना कर्तव्य समझता है । इस लिये देहातों में जब तक कि बिल्कुल बेकारी दूर नहीं हो जाती और हर एकको काम मिलने की सुविधा नहीं सुलभ होती तब तक यह संयुक्त परिवार की प्रथा वहां के लिये बहुत ही लाभप्रद है और इसको नहीं हटाया जाना चाहिये । आप सीधे सीधे मिताक्षरा को हटा दीजिये वह तो ठीक है लेकिन यह राऊंड ऐबाउट वे से उसके अंगों को काट काट कर अपंग बनाना ठीक नहीं है ।

एक बात और कह कर मैं बैठ जाता हूं और वह यह है कि जिस वक्त यह बिल सदन के सामने आया था उस वक्त इसमें मिताक्षरा का कोई जिक्र नहीं था और मिताक्षरा सिस्टम इससे एग्जेम्प्ट (मुक्त) था लेकिन ज्वाइट सिलेक्ट कमेटी नें यह उचित समझा और उस सिस्टम को भी

इसके परव्यू (क्षेत्राधिकार) में ले आये । जिसके कारण देश में तहलका मचा हुआ है और मैं समझता हूं कि मिताक्षरा कानून को इससे बाहर रखना चाहिये और उस पर यह कानून लागू नहीं होना चाहिये ।

तीसरी बात जो मार्क की है वह यह है कि हम दुनिया को कहते फिरते हैं कि हमारा स्टेट सैकुलर (राज्य धर्म निरपेक्ष) है और हम किसी धर्म विशेष के लिये कानून नहीं बनायेंगे और न किसी धर्म विशेष के लिए अड़चन डालेंगे लेकिन यहां उलटी बात हो रही है और मालूम यह होता है कि इस सम्बन्ध में हम जो बड़ी बड़ी बातें कहते हैं, वह केवल गले के ऊपर से कहते हैं, गले के नीचे से नहीं कहते । मैं पूछता हूं कि यदि हम सैकुलर स्टेट क लोग हैं तो केवल हिन्दुओं के लिये ही यह कानून क्यों बनाया जा रहा है और यह दूसरी जातियों के वास्ते क्यों नहीं बनाया जा रहा है ? जब स्पेशल मैरिज बिल (विशेष विवाह विधेयक) यहां से पास हुआ था तो वह सब पर लागू था, वैसे ही इस कानून को भी सब जातियों के वास्ते बनाना चाहिये था । मैं पाटस्कर साहब से अनुरोध करूंगा कि वे इस बिल को वापिस ले लें और सारे देश के निवासियों के लिये एक युनिफार्म (समान) सिविल ला (दीवानी कानून) लायें ।

दूसरी बात मैं यह कहना चाहता हूं कि स्त्रियों को पिता के धन में नहीं बल्कि उसको पति के धन में पूरा हक मिलना चाहिये और उसके लिये कानून बनाना चाहिये ।

Shri Venkataraman (Tanjore): Mr. Deputy-Speaker, I rise to support the Bill and to offer one or two words of improvement in the several clauses that have been placed before the House.

In the first place, the Joint Committee has made very useful improvements in the Bill as it was originally introduced. It has been the great cry of the reformers of the Hindu system that at least the Hindus in this country should have a uniform system of law. The opinion was strongly expressed before the Rau Committee from various parts of the country. I do not propose to waste the time of the House by referring to every one of them, but I would humbly request hon. Members to be good enough to refer to the views expressed by progressive people from all parts of India who gave evidence before the country with regard to bringing about at least a uniform code governing the Hindus.

In the original Bill, members belonging to the Aliyasantana, Marumakkattayam and other Acts were excluded. That was because the system of inheritance which was given to women under the Bill that was introduced fell short of the rights which they already possessed. I am very glad that those classes of people governed by the Marumakkattayam, Aliyasantana and other matriarchal system have been enabled to be brought under this Bill so that we may have a uniform law for them also.

The second major change which has been made by the Joint Committee is to make the law applicable to mitakshara families in a very limited way. I am not satisfied that the Bill has gone far enough. At the time when the Bill was referred to the Joint Committee, considerable volume of opinion was expressed in this House that if the Bill did not embrace the mitakshara joint families, then it would be leaving out of account nearly 70 per cent. of the population, and the object with which the codification was made would be defeated by the exclusion of the large proportion of the people governed by the mitakshara system of law. Some endeavour has been made by the Joint Committee so far as that portion is concerned. Though I will go into the details shortly, I welcome the endeavour on the part of the Joint Committee to bring the mitakshara families in some form.

This Bill has had a very long and chequered history. It has gone through various vicissitudes. Actually, the Bill has been before the country for nearly 20 years in one form or another. The criticism that the Bill only seeks to cover a section of the community is not well-founded for this reason that among the major communities in India, the Christians have a law of inheritance, which provides inheritance to women, the Muslims have a law which provides for inheritance rights to women, but it is only the Hindu law which does not provide for any inheritance to women. Therefore, it is necessary to bring the Hindu law at least on a par with that of the other communities before we can attempt at a uniformity.

My friend, Shri C. D. Pande, was very eloquent when he said, "If you

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had brought forward a Bill applicable as a civil law to all the people in India, I would be the first to support it". But before we bring about a sort of uniformity, it is necessary for certain communities to come up to the level of the rights which the other communities are already enjoying, and if that is not done, it would not be possible to bring about uniformity except by reducing the rights which the other people may have. I do not therefore think that there is real substance in the criticism that a uniform civil law should be brought forward before we try to reform the Hindu Law.

Secondly, it is urged that we must exclude agricultural lands. Most property in India is agricultural land. It is another way of refusing inheritance to women. If we say so, that would be more honest and straightforward. If we exclude this, there will be little to inherit.

Shri Bogawat (Ahmednagar South): The wife will inherit the husband.

Shri Venkataraman: I will come to that portion. This Bill provides for the abrogation of the Act of 1937 and so, there will be little left to inherit. Instead of that you may say that you allow them to inherit water, air and some natural resources!

Shri Bogawat: No, no. It will be equally with the son.

Shri Venkataraman: My friend may have a differnt Bill. I am talking of the Bill which is before the House.

It has been said that the Hindu coparcenary is being disrupted. We must make up our mind in the first instance whether we are going to codify the existing law or modify and reform the existing law and practices. If it is our intention merely to codify the existing law, I agree that it goes beyond that. But, on the other hand, it has been stated that the object of this Bill is to introduce progressively reforms in the system of inheritance as well as in other systems of Hindu Law—marriage, etc. and so, that point loses its value, its sting and its criticism and it has to go beyond the existing rights.

Even as it is, what is the position of the joint family? It has lost much of its prestine purity. Take for instance the right, unilateral right of a member of coparcenary to seek partition, the pious obligation of the sons to pay the father's debts. Then you have the Hindu Women's Right to Property Act under which a woman is entitled to a share of her husband's property in the joint family and so on and so forth. So far as the stranger is concerned, if he is a creditor, he can file a suit against the coparcenary share and then enforce the decree. That criticism has no sting or value when you consider the long line of legislation that has taken place. We want to reform the joint family system. We want to see that the system of individual ownership comes into being progressively in place of the system of inheritance of property by survivorship which is outmoded, old and archaic. In all modern countries and modern societies, ownership of property is an individual right which goes with him and the less the fetters on the disposition of property, the greater is the advancement of society. Economic freedom of a man, in order to be able to deal with his property without any restriction, has been the way in which progress has been made in other countries. Take the English law of real property.

Shri Kasliwal: Then, why not abolish Mitakshara?

Shri Venkataraman: I am leading up to that. You have anticipated me. I say that in view of the fact that the progress of society is towards individual freedom of ownership and disposition of property, let us move towards that. That is why I desire that clause 6 of this Bill should be substituted by a clause which will abolish the right of survivorship or inheritance by birth, in this Bill itself.

When the original Hindu Code was introduced by Dr. Ambedkar, he provided for the following clause:

> "No Hindu shall, after the commencement of this Code, acquire any right to or interest in any property of the ancestor during his lifetime merely by reason of the fact that he is born in a family of the ancestor or in a joint family property which is founded on the rule of survivorship."

I have myself given an amendment to that effect and I am going to press it

when the matter is taken up clause by clause. Clause 6, as it is, is very complicated. It will lead to multifarious litigations and land us in confusion. Either we have the courage to say that property is now held free and absolutely by the members on a particular day or we will continue to hold to the old opinion that the law of survivorship, Mitakshara system, should prevail. There is no half-way house in this matter. The doctrine of giving a right to women in the property and the doctrine or survivorship cannot exist together; they are contradictory. If you want to give the right of inheritance to women, daughters, daughters' son and sons' daughters and so on, the idea of having the rule of survivorship is cut as under. It cannot exist along with the other conception of ideas. We take up courage and make up our minds whether we would like to have a system in which property would be held absolutely free or whether we are going to have restrictions imposed by Mitakshara.

I will give an illustration. In clause 6 as it is there is a provision. If there is no female in the family, the joint family will continue. The moment a female is born, the proviso will come into operation in which case the share of that particular individual through whom the girl would inherit would be ascertained and then the share would be determined according to this Bill. As complained, there may be a large number of partitions in which case the sons or persons who are entitled to prior partition will walk away with a larger share and the children that are born after partition, be they male or female, will get a smaller share. The proviso will make it worse.

Mr. Deputy-Speaker: The time is up.

Shri Venkataraman: How much time is left, Sir?

Mr. Deputy-Speaker: Normally two minutes.

Shri Venkataraman: Then, I shall speak on the clauses.

I am saying that it would be very hard upon the child subsequently born because, according to the explanation, the share which has gone to the males who has already divided from the estate will be taken into account for ascertaining the daughter's share and the sons born after the partition would be almost left in the lurch. They would get nothing. This cannot be the object of any legislation. I do not think the effect of such an explanation has been fully appreciated by the Ministry.

Shri C. C. Shah: What a compliment! (*Interruptions*).

Shri Venkataraman: I want to know whether this aspect has been considered and whether this was what was intended.

Mr. Deputy-Speaker: The hon. Member's time is up.

Shri Venkataraman: It is better to end at the end of an idea than at the middle of one.

3 P.M.

Shri Vallatharas (Pudukkotai): Mr. Deputy-Speaker, I am in full agreement with the provisions in this Bill. Radical views had been expressed even 20 years before, that Dayabhaga law must be substituted for Mitakshara Law. I am a material-minded man. I am incapable of giving any spiritual tone or speak in an emotional or appealing manner what I want to express.

Shri A. M. Thomas (Ernakulam): You are capable of speaking with emotion.

Shri Vallatharas: I am capable of many more things. Now I want to approach this in a practical sense.

So far as the general mass is concerned it is a historical fact that the Aryan civilisation and the sastragic implications were introduced and they had become implemented in the life of the masses. In the recent past, during the last 200 years of British rule, the British rule had tended to do many injuries to the masses. The English Judges assisted by pandits had converted the courts of law into a forum to preserve the ancient customs and interpret everything in the light of Manu and Yagnavalkya. In that manner they had effectively prevented the growth of new customs and the progressive manner in which the society must have adopted itself to changing conditions of the times.

From 1931 onwards, the defects of the system of holding the property

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amongst the Hindus was largely dwelt upon by very eminent jurists. A perusal of the Rau Committee's Report will clearly give an indication of the views which are very rational and very moderate. People like Shri S. Srinivasa Ayyangar, Shri V. V. Srinivasa Ayyangar, Shri Srinivasa Sastri, Shri Venkatarama Sastri, Dr. S. Radhakrishnan and many others a host of people—had thought in that way. They had their own sentiments for Mitakshara system. They were Brahmins and most of them were eminent lawyers. In spite of the fact that they cherished a love for this system, they went to the extreme extent of saying, it is better to end Mitakshara system and introduce Dayabhaga system. Shri Venkatarama's approach is in that direction.

I consider the greater aspects in the practical life. It is easy to introduce a system. There is no difficulty in that. But what are the implications that arise out of that? In my experience I have seen that girls, before their marriage age, enjoy freedom, but when the time of marriage comes, the dowry system comes in. A father who is endowed with large property is not able to get a good husband and who will accept the offer of dowry that he makes. In some cases, a father having only a small property or having no money to offer as dowry is not able to get a suitable husband for his daughter. The girls have felt desperate and burnt themselves, committed suicide or ran away. There is another case in which the sons, who are very enthusiastic youths, who cannot find support for their aspirations at their father's hands, who would not give them any money. Then the sons want to get themselves separated from the family they have to make a lot of preparation to sue their fathers and then get the money they want. When we see these things, it is better that a part of the Mitakshara law is retained, in so far as a boy or a girl, whoever is born in a family, must see that the property of the father is secured to them in some manner or other.

Supposing the Dayabhaga law is introduced and the property of the father is absolute for himself, he may not agree to part with it in favour of his son or daughter. He will have full power over the disposition of the property. In this respect I should submit that the Bill, whether it is consciously conceived or not, is a compromise between the extreme views expressed by these eminent jurists and the view that the orthodox people have got.

The orthodox people have been a menace to the progress of society throughout. I have great respect for their unflinching disciplinary affection to the principles they hold. But, on the other hand, they consider women as chattles. They have not understood the sublime natural qualifications of the women and the part they have to play in the human affairs of this country and of the world. Whatever affections they express, after all it is transient, as when they are to give some property they won't give. I am seeing this in several Brahmin families. I also see this in some of the non-Brahmin families who have coformed themselves to some of these principles. In the south, many women and girls are suffering very greatly because of the evils of this system.

Therefore, I should like to insist in this case that clause 6, as it is will have to continue, and after some experience we will have to think of making the property absolute in respect of the owner. Conditions are changing. Fragmentary holdings are quite common in this country. The process by which capital is accumulated, whether money is going to have predominance over land and all those things are under consideration. Just like power blocs and military blocs of the west, here also religious power blocs have been created. Anti-Hindu Code Committee, Sanatanists, Hindu Mahasabha, Ram Rajya Parishad and all these bodies have been always on the alert to see that somehow or other an obstacle is put in the way. I should like to declare peremptorily here that if at all this Government is democratically minded and is inclined to socialistic achievements, hereafter we should see that this section does not have any voice in shaping the destinies of the people.

Shri V. G. Deshpande: Sir, I rise on a point of order. Is it open to an hon. Member to say that a particular party—say, Praja Socialist Party or Socialist Party—should be wiped out from the House? Can anybody say that taking the name of a party? In democracy every party has a right, if they can get the support of the electorate to get their candidates elected.

Mr. Deputy-Speaker: That is exactly

the difficulty, because the other hon. Member has also a right to express his opinion. So, there is no point of order.

Shri Vallatharas : I am sorry the hon. Member has taken it in a light, which is not the light in which I said it. We are all public men. If we are to come to this House and if we are to express our sentiments here, which through the kindness of the Press is published, everybody knows who we are and what we are. I cannot change myself from the way in which I have been brought up these 55 years. If there is any change, certainly it will be a fraud on my part.

I was saying, that any institution, or any individual, whoever it may be, will have to think of the general masses and not of the ordinary principles which they are sticking to. Can you ever expect me to subscribe to Manu who, in his days, thought that any non-Aryan who hears Veda should have his ears sealed or his tongue cut? I cannot agree to that. He was good in those days. Today you compare the Bible, the Koran, Manu and our own Thirukkural. I should certainly and positively state for your consideration—of course, subject to certain corrections and other things—that Thirukkural of Tiruvalluvar is the best medium of instruction in social matters without any cantankerous bias or preposition for one principle or the other. Just as Vedas are considered to be abstract and are revered, so also any literature which gives the social conduct in an abstract manner is entitled to great reverence and respect. We remember it in a certain atmosphere in Madras State. Many of the Members from the south know it, the northern Members have not yet got sufficient appreciation of the south just like the Americans are not able to have sufficient appreciation of India. During the last 35 years there had been revolutionary social movements in which thousands of marriages were celebrated in the name of the self-respect movement. The Madras Government have now thought it necessary that these marriages should be recognised, the right of inheritance of the persons concerned should be recognised and so on. In that way things have grown up there.

During the last 50 years there had been a total absence of social reformers like Raja Ram Mohan Roy, Buddha, Jain or anybody else. Now we have taken upon ourselves the task of legislation. The Hindu Mahasabha people, the Santanists etc. say that there was the divine right or worship of kings and the religious codes and that they are only going to submit to the divine laws. Our lady friend said yesterday about men-made laws. I should say that men have also submitted to women-made laws for example the Marumakkattayam law. We are prepared to submit to women. We have only heard of hen-pecked husbands; we have not heard women being said as cock-pecked wives. In this way we men have been contributing to the social aspects and responsibilities of women. We have given full liberty to women in our houses and I may say that in this respect we are greater in our glory and our own self-praise than any other nation in the world. The Indians had said that women are equally important in society. We say "father and mother are the foremost god". But when we come to the question of partition and dividing the cash, woman has to depend slavishly upon man in such a manner that even to get just three pies to purchase sweets for the child, the woman has to go to her husband and ask for it. She must have the money with her, but we know the difficulty. So, I would like to say that women must have something to live upon. That is essential and what the lady Member said yesterday is quite right. That should be on an unconditional basis. It is said of Jhansi Rani that she exclaimed: "With blood dripping, I would go on the bier, or I will sit victorious on the throne". In that spirit our women must say: "Either we must have money when we live, or I will go to the grave". The lady Member spoke rightly in that vein, like that of Jhansi Rani. She is the Cinderella for our House. Here is the Jhansi Rani for this House. So many other lady Members will have designations hereafter according to the necessities of the times!

Now, I come back to the serious aspect of the Bill. So far as converts are concerned, there has been a general improvement in the Bill. The Rau Committee had observed that that lacuna must be removed. This Bill has embodied a provision that the converts and their children cannot at all expect to inherit any property from the Hindu relative. So, in that manner, it has shown some improvement.

[Shri Vallatharas]

In respect of the widows and the illegitimate children, I would like to say that some amendments are necessary in respect of a certain aspects which the hon. Members would like to see incorporated in the Bill. But I should like to make it a special social necessity. Though illegitimacy, concubinage and all these things must not be allowed to exist, yet, the children that are born out of them are Indians, and they must be provided for. They cannot be murdered or cannot be extinguished in anyway. So, there must be an offer of help to such people. But all the same that sort of unlawful combination should never be encouraged and to that extent I submit that there must be certain restrictions placed upon the conception of that sort, so that society may improve.

There are some who remain bachelors throughout their lives or for part of their lives and there are women also remaining unmarried for long. The women of that type have got a tendency of getting education and they remain independent for a long time, so that they will be free from all encumbrances in this world. But I always prefer a married life instead of a bachelor life, essentially the middle age. Otherwise, they become cantankerously hot and become unsuited to the sweet conceptions of domestic life which are a basic factor for the national progress.

The leader of the sanatanists had stated that even though Manu under the Mitakshara law was to grant a share of the property to the daughter, he is not going to agree to it. An evidence has been given in this way. One gentleman in my place—of course he belonged to the Congress party when I was also in the Congress—said, "If you establish a girls' school by the side of the boys' school here, then the whole society is going to get contaminated". These conceptions are outmoded and are not at all necessary now. So, in this respect, when this country has had a Constitution and fundamental rights which had been decided by our eminent men and which had attracted great attention from the world outside and when many nations now look to us for improvements in the social structure, we need not be feeling that this Bill would be entirely disintegrating the Mitakshara law at this stage, however much it had gone out from the field. According to Shri S. Srinivasa Ayyangar, it had been mutilated to a very great extent. True. In one aspect, the property of the father is made the stronghold of the sons and daughters, and the father, in his own manner, cannot dispose of the property. This is a safeguard which has been now proposed, and to that extent the youngesters, the boys and girls, are better placed, and the present measures do not go above the Dayabhaga system or any other system that may now exist. Under these circumstances, I give my full support to the Bill. Of course our experience in working the Act in practice, certainly will give room for so many improvements to be made. I do not like the idea, however, of 1941, when Shri S. Srinivasa Ayyangar and his party said that the Dayabhaga system should be instituted at this stage.

Shri Bogawat: When we are going to amend the law relating to the intestate succession to property, we must not upset the whole thing. The Hindu Marriage Bill has been passed and the Special Marriage Act has also come into existence. In our great society and in our great culture, our own commentators and law-givers had made some laws and if we make all the changes that one wants, then the structure of the society or the nature of the society would be destroyed.

I am not against giving property rights to women. I respect our Constitution. I say that equal rights should be given to the women. I say that if the right of succession to the females is given, let that right be given in the case of the husband's property also. Then, I think the principle of equal rights will be attained. There is no necessity either to disrupt the joint family or to give a share in the father's property. You know that our country is poor. 70 per cent of the population is very poor and they belong to the working classes. Now, we are going to put ceilings on lands, and it will be uneconomical. Not only that. There would be litigations, and disaffection if we allow the women to inherit a share of the property from their fathers. That will not be in the interests of the country also.

Now, who puts in labour and who toils with the father? The sons. They put in their labour and they toil. Even among the business community you will see that it is the sons who put in their labour, enterprise, skill and everything, and the property is increased on that account. If we give a share to the

daughter, then I think we would be giving a set-back to all these enterprises and to all the gains that the sons would be contributing to the society. Further, the sons' shares are reduced to 1/3, 1/5 or even 1/8 in some cases. So, that is not desirable. I have seen and talked to my people in my constituency so many times. I asked all the people. Not only the males but even the females do not like that their property should go out of the family. It may be just one or two persons who are for this measure, and it is not 5,000 or 10,000. Even mothers say, "No, no, property should be given to sons". Even the mothers' shares should go to the sons, and that is their desire, because the mother is quite sure that the son would protect and maintain and love her and do everything for her. That is the desire of the mothers. If that is our culture, what is the use of making this law and upsetting the whole social structure?

Even among the Muhammadans, the marriage law is quite different. Even an uncle's daughter can be married. They do not allow the property to go out of the family. That law is not changed. Even under that law you will find that the daughter is given only one half of the share of the son. So, it is not equal share with the brother. Among the Christians also, that is not the law as framed in this Bill. So, this measure is not in the interests of the country. Of course, sisters are very much for property. They want some more property. But I say that if the daughter is given an equal share in the father's property as well as in her husband's property, she would be getting double. That would be doing injustice so far as the male heirs are concerned. We must think of the problem with a cool mind without any bias. (*Interruptions*). If it is argued that because the females went without anything for so many years, they must take revenge upon the males and take more share, then I have nothing to say.

Mr. Deputy-Speaker: The hon. Member should remember that he has got limited time.

Shri Bogawat: I say that only half the share of the male should be allowed to the female.

Secondly, our sisters are educationally very backward. If such property rights are given to them so soon, this advantage would be taken by the other people in the village and there would be litigations. I come from a village myself and I know how these ladies are dealt with. Even when some limited maintenance is provided for the Hindu widow, there are litigations. Hundreds and thousands of rupees are lost in litigations and if we give equal property rights to women, such litigations will increase. If we allow the absolute inheritance of property of the husband as well as the father, then so many confusions and dangerous consequences will follow.

Coming to wills, many people make wills, but we know what the fate of a will is. The wills are challenged in the courts and there are litigations. When a father likes to give his estate to the son, he makes a will; but, the will is challenged not by the daughters of the deceased, but by so many other relatives. Therefore, let it not be said that because a Hindu can make a will, he may give his property to anybody he likes. All these wills are made in the eleventh hour when the man is very ill or when he is in his death-bed and every will is challenged.

Shri B. S. Murthy: Wills are made sometimes when the man is dead.

Shri Bogawat: These persons are so covetous that they even do such things. There are such instances. I want to say that this is not a proper method. We want to respect the will of the people and definitely our people are not prepared for this Bill now.

I want to say something about the Mitakshara law. In our society in many States the Mitakshara law prevails. In this law you will find that the joint family is at an advantage. In business or even in agriculture, all the people work together to increase the propetry. If the family is disrupted by bringing in such a measure, then it will not be in the interests of the country. The explanation under clause 6 is wonderful. The framers of the Bill have not even thought what effects it will have. There are concrete instances which I can give. If there are two sons and three daughters and if one son is divided, the other son may not even get any property. This is the bad effect of this explanation.

[Shri Bogawat]

As regards clause 10, in the Bill as introduced originally, half the share was allowed to the daughter. But, in the present Bill equal share is given. That is too much; I think it is better to give half share to the daughter. Let us wait and see how it works. If you find that our sisters are very forward and they can also toil with the father in increasing the property, then you can give them more property rights, but not for the present.

In clause 16 the words "before or after the commencement of this Act" are put in. I say that it is very dangerous because that will forfeit the rights of any person who is adopted. If we give absolute right to the ladies even before the death of the man then there would be no adoption. We are setting at naught the point of adoption. Similarly, we have not thought over the question of conversion. Supposing a female becomes a Muslim, is the property to go to the Muslim family? Supposing a female remarries, then what happens to her property? These contingencies have not been thought of. It is quite necessary that some provisions should be made in this Bill for such contingencies.

I want to say something about the so many heirs that are put in Class I. I think so many heirs are not necessary. If you want to give something to the daughter, give her something; even the son's daughter can be put it. But, why do you go to the third generation and put in son's son's daughter, son's son's widow and so on. There can be maintenance given up to the second degree, namely, son's daughter and son's widow, but here even son's son's daughter comes in. I suggest that so many heirs should not be there in Class I. Let the son get at least one-third or one-fourth of the father's property. It is enough if we give half the share to the daughter. In this way, if we seek the middle course, some justice will be done to the females and there would not be much discontent among the other people.

I repeat that our people are not prepared for such a Bill which is now before the House. I humbly submit that in the interests of the country and also in the interests of the females and the persons who put in hard labour and toil in agriculture and business, serious attention should be given to this matter. I pray to our hon. Minister of Legal Affairs, a very prudent man with wide experience knowing all the things that are going on in the villages, to give his careful consideration to all the points that I have placed before the House.

श्रीमती मिनीमाता (विलासपुर दुर्ग रायपुर रक्षित अनुसूचित जातियां) : उपाध्यक्ष महोदय, इस हिन्दु उत्तराधिकार विधेयक पर मुझे बोलने का जो अवसर दिया गया, उसके लिये मैं आपकी आभारी हूं ।

यहां पर कहा गया है कि हमारी स्त्रियों को इस कानून के द्वारा पूर्ण अधिकार प्राप्त हो रहे हैं लेकिन मेरा कहना है कि यह सब अगर वास्तव में देखा जाय तो कुछ भी नहीं हैं और उनको अधिकार मिलने की बात तो वही हुई जैसे कि हमारी छत्तीसगढ़ी में एक कहावत है कि "घर दवार तोर बहुरिया डेड़ी में पांव झन देवे " । इसका अर्थ यह है कि घर द्वार वैसे तो सब तुम्हारा है, सास कहती है कि हे बहू वैसे तो घर द्वार तुम्हारा है मगर डेढ़ी के अन्दर मत जाना । मैं समझती हूं कि इस प्रकार का कानून हमारे मिनिस्टर साहब ने बनाया है । इस बिल को देखने से तो मालूम होता है कि स्त्रियों को काफी अधिकार दिये जा रहे हैं परन्तु वह अधिकार ऐसा है कि न तो उनको सम्मिलित घर में रहने का अधिकार है और न उनको सम्मिलित सम्पत्ति में अधिकार प्राप्त है ।

मेरे विचार में लड़कियों को सम्मिलित सम्पत्ति में हक देने के बजाय कुछ मुआविजा हर साल दिया जाय ताकि लड़की अपने पिता की सम्पत्ति के कुछ अंश का उपभोग कर सके । लड़कियों को पिताओं से दहेज के रूप में जो सम्पत्ति प्राप्त होती है वह सम्पत्ति लड़कियों की ही होनी चाहिये । क्योंकि भार्गव साहब ने कहा कि पंजाब में जब शादी होती है तो कोई २५ हजार खर्च करता है कोई ५० हजार खर्च करता है । लेकिन पंजाब आने से मालूम हुआ है कि कई जगहों पर यह मुझे हाल है कि जब शादी होती है और लड़की ससुराल आती है तो वह जो दहेज लाती है, यहां तक कि मिठाइयां और साड़ियां आदि, उस पर सास अपना अधिकार जमा बैठती है । लड़की को कोई भी हक नहीं रहता है । मैं कहना चाहती हूं कि जो भी दहेज आये वह लड़की को मिलना चाहिये । अगर कभी पति के भाइयों में बटवारा भी हो जाये तो पत्नी की सम्पत्ति के बटवारे का सवाल नहीं उठना चाहिये ।

उपाध्यक्ष महोदय : सास तो सम्पत्ति भी ले जायेगी ।

श्रीमती मिनीमाता : वह तो दहेज में आता है । इस बिल में लिखा है कि लड़कियों की शिक्षा और दहेज में जो व्यय होगा उसे काट कर ही सम्पत्ति का बटवारा किया जायेगा और लड़कों को दिया जायेगा । मेरी समझ में नहीं आता क्या आप लड़कों की शिक्षा पर और शादी पर खर्च नहीं करते हैं । अगर आप लड़कियों को समानाधिकार देने जा रहे हैं तो लड़कियों की शादी और शिक्षा के खर्च को काट कर लड़की को हिस्सा देना उनके साथ अन्याय करना है । जब आप लड़कों और लड़कियों दोनों को ही समानाधिकार देते हैं तो लड़की की मृत्यु के बाद उस की सम्पत्ति पर उस के पति का अधिकार होना चाहिये । इस को मैं मानती हूं कि दे देना चाहिये । यहां पर दहेज की बहुत सी बातें उठ रही है और कहा जा रहा है कि लड़की को उस में बहुत कुछ मिल जाता हैं, लेकिन फिर भी मैं चाहती हूं कि लड़की को सम्पत्ति में जरूर हिस्सा दिया जाय ताकि वह शान से रहे, शान से खाये, शान से जिये और शान से मरे । उस का समाज में सम्मान हो । यहां पर बहुत से बोलने वाले ने सीता और सावित्री का उदाहरण दिया है । मैं समझ नहीं सकती कि वह क्यों भूल जाते हैं कि सीता जी के ऊपर कितना अन्याय हुआ ? बेचारी को १४ वर्षों तक बन में रहने पर भी पूरी रक्षा नहीं मिल सकी । रावण उन को हर ले गया । वहां से लौटने पर उन को अग्नि परीक्षा देनी पड़ी, और उस परीक्षा के बाद भी उन को समाज ने जिन्दा नहीं रहने दिया । आखिर में उन को मृत्यु को सहारा लेना पड़ा ।

एक माननीय सदस्य : वह आज भी जीवित हैं ।

उपाध्यक्ष महोदय : अब माननीय सदस्या आज की स्त्री का जिक्र करें ।

श्रीमती मिनीमाता : कल से तो उन की जिक्र हो रही है । चूंकि यहां पर सीता और सावित्री का जिक्र बार बार आया, इस लिये मुझे भी कहना पड़ा ।

उपाध्यक्ष महोदय : उन्होंने गल्तियां की हैं, आप न करें ।

श्रीमती मिनीमाता : मैं यह भी कहना चाहती हूं कि आज सीता और सावित्री का जिक्र करने वाले क्या राम और सत्यवान का सा बर्ताव औरतों से करते हैं ?

श्री वी० जी०देशपांडे : उन से भी बुरा करते हैं ।

श्रीमती मिनीमाता : इस बिल में पिता को पूर्ण अधिकार दिया गया है कि एक लड़के को सम्पत्ति दे कर पिता उस में बटवारा ले सकता है । इसी तरह से विधवा मां को भी अधिकार क्यों न दिया जाय । जितना अधिकार पिता को हो उतना ही मां को भी होना चाहिये ।

श्री टंडन जी ने कहा कि इस बिल के सम्बन्ध में औरतों से बुड्ढी स्त्रियों से पूछा जाय कि वह लड़कियों को जायदाद में हिस्सा देना चाहिये या नहीं । मैं उन से पूछना चाहती हूं कि जब हमारे भाई दो दो और तीन तीन शादियां करते हैं और उन औरतों के लडके होते है, कोई कानून की बात वहां पर पूछता है और तीनों औरतों से पूछता है कि संयुक्त सम्पत्ति को संयुक्त रक्खा जाय या अलग अलग कर दिया जाय । हमारे भाई साहब चिल्ला रहे हैं कि संयुक्त सम्पत्ति का कानून बनाना चाहिये । लेकिन अगर हमारे एक भाई अपनी अमानुषिक पिपासा को शान्त करने के लिये रखेल रख लेते हैं और इस रखैल के संसर्ग से बच्चें होते हैं तो क्या उन बच्चों को जायदाद में हिस्सा दिया जाता है ? मैं इस को सोच नहीं सकती कि क्यों इस चीज को इस बिल से क्यों हटा दिया गया । अगर हमारी ला मिनिस्ट्री में कोई महिला होती तो वह रखैल औरतों की दशा को गम्भीरतापूर्वक सोच कर तब कोई निर्णय करती और इस प्रकार के अवैधानिक बच्चों को अवश्य जायदाद में कोई भाग दिलवाती अगर कोई खराबी है तो वह मां बाप में हैं, उस अबोध बच्चे का क्या कसूर है ? बाप की सम्पत्ति में उसे कोई हक ही नहीं है ।

एक माननीय सदस्य : माता की सम्पत्ति में से हक दे दिया जाय ।

श्रीमती मिनीमाता: माता की संपत्ति ऐसी कोई विशेष सम्पत्ति नहीं है । वह तो खुद ही रखैल है, उस को कौन सी सम्पत्ति मिलती है जिस में कि बच्चें को अधिकार दिया जा सके । होता यह है कि मर्द दो चार बरस तक औरतों को रख लेता है, जहां उस के दो चार बच्चे हुए उस को १००, ५० रुपये दे कर अलग कर दिया जाता है । यहां तक होता है कि अवैध बच्चों

[श्रीमती मिनिमाता]

को बड़े होने के पहले तक यह पता होता है कि मैं फलां आदमी का बेटा हूं, लेकिन जब वह बड़ा हो जाता है तो उस को यह पता नहीं रहता कि उस का बाप कौन है । मैं आप को बताती हूं कि एक बार ऐसा हुआ कि इस प्रकार की रखैल मां और उस का लड़का दोनों पागल हो गये ।

उपाध्यक्ष महोदय : माननीय सदस्या मुझ को सुनायें, मैं उन की बात सुनने के लिये तैयार हूं, दूसरे नहीं सुनेंगे । आप उनकी बातों पर ध्यान न दें ।

श्रीमती मिनीमाता : यहां पर वेश्याओं के बारे में भी एक प्वाइंट रक्खा गया । मैं पूछना चाहती हूं उन महोदया से कि जब आप लड़कियों को हिस्सा देने के विरोध में हैं तो वह बेचारी लड़किया क्या क्या कर्म नहीं करेंगी ? मुझे इस बात का दुःख है कि रखैल ज्यादातर हमारे हरिजनों और आदिवासियों में ही होती हैं । जब उन को घर से निकाल दिया जाता है तो वही जा कर वेश्यायें हो जाती हैं । उन को किसी ओर घर में भी जगह नहीं मिलती कि कोई उन को रखैल ही रख ले । (Interruptions.)

उपाध्यक्ष महोदय : मैं ने पहले भी विनय की जो कुछ आप को कहना है वह मुझ से कहें, मैं सब कुछ सुनूंगा ।

श्रीमती मिनीमाता : ऐसा कहने में हमारे हरिजन और आदिवासी औरतों को खुद शर्म आती है, खास तौर पर जो छोटी जाति की होती हैं ।

श्री सी० डी० पांडे : छोटी जाति मत कहिये ।

Mr. Deputy-Speaker : Let not the debate degenerate. That should not be the method.

श्रीमती मिनीमाता : रखैल ही छोड़ दी जाये पर वेश्यायें हो जाती हैं । जब हमारी लड़कियों को सम्पत्ति में हक दिया जायेगा तभी यह दिक्कत दूर हो सकती है ।

विधवाओं को सम्पत्ति देने के सम्बन्ध में हमारे तिवारी जी ने कहा कि यदि उस के बच्चे न हों और वह दूसरी जगह शादी कर ले तो उसको दी गई सम्पत्ति दूसरे घर चली जायेगी, इसी तरह से तीसरे घर और चौथे घर चली जायेगी । यह ठीक बात है कि इस तरह से वह जा सकती है लेकिन मैं ने यह भी देखा है कि अगर विधवा घर में रहती है तो उस को रोटी तक का हक नहीं रहता है । जब उस की यह हालत है तो वह क्या ले कर दूसरे या तिसरे घर चली जायेगी । विधवा होते ही वह कलंकिनी बन जाती है । उस को चौका तक छूने का अधिकार नहीं रहता है । मुझे कम से कम नहीं मालूम होता कि वह कौन सी सम्पत्ति ले कर दूसरे घर चली जायेगी ।

हमारे गावों की सम्पत्ति के बारे में उमा भाभी जी ने जो कुछ कहा वह एक दृष्टि से सही है क्योंकि गावों की सम्पत्ति बिल्कुल छोटी छोटी हैं, कच्चे मकान होते हैं । मैं तो चाहती हूं कि परसेन्टेज (प्रति शत) मुकर्रर कर दिया जाय । अगर किसी के पास २५ एकर तक हो तो उस की जमीन पर लड़की को हक न दिया जाय, उस को उस के लिये मुआवजा दे दिया जाय लेकिन अगर किसी के पास ५० एकड तक जमीन हो तो उस में लड़की को हक मिलना चाहिये । साथ ही मैं यह भी कहना चाहती हूं कि गांवों की लड़कियां बड़ी भोली भाली होती हैं, वकीलों के पास जान में उन के परेशानी में पड़ जाने का डर है । इस लिये कानून ऐसा बनाया जाना चाहिये कि उन को कोई परेशानी वकीलों के पास जाने की न उठानी पड़े । इस सम्बन्ध में मेरा सुझाव यह है कि इस कानून के मामले फैसला देने का हक गांव पंचायत को हों । अदालतों में जाने से भोली लड़कियों को वकील लोग ही चाट जायेंगे । जितनी सम्पत्ति उन को मिलेगी उस से ज्यादा तो वकील हो खा जायेंगे ।

इस बिल मे साधुओं के बारे में भी कहा गया है । जो व्यक्ति साधु हो जायेगा, पिता और भाई की सम्पत्ति में उस का कोई हक नहीं है । लेकिन देखा गया है कि गृहस्थ से साधु हो कर फिर गृहस्थ हो जाते हैं । जो व्यक्ति गृहस्थी में आना चांहे, उस के खाने पीने और रहने बसने का इन्तजाम होना जरूरी है । इस लिये इस बिल के द्वारा उन के अधिकार की रक्षा होनी चाहिये ।

Shri B. K. Ray (Cuttack) : I thank you very much for giving me a chance to speak.

I have been listening to various views expressed on the floor of the House on the present occasion as well as on previous occasions, and I had the privilege of being a Member of the Joint Committee. In so far as the views for and against are concerned, I divide them into three schools of thought. One school is orthodox, no-changer school, those who think; let us stay where we are, we should not move an inch further. The

second school of thought is: do whatever you like, but do not interfere with the Mitakshara structure of the family which, if done, will break the economy of the society. And the third is the one where people are ready to march forward on the very lines on which society has been marching.

Throughout the day I have heard arguments of a threatening nature to the effect that if this Bill becomes law, there would be very great distortion in the society with regard to its economic structure, but I fail to see any force in it. Since the attainment of independence, various reforms in property laws, in laws relating to industries, commerce and trade and laws relating to certain subjects which affect the very human existence have taken place and they are of a very far-reaching effect. They have been made and perpetuated by statutes for all time to come in order to change the structure of society, to change it into one of a socialist pattern. It cannot be gainsaid that when this Bill comes into effect there will be some disturbance in the smooth working of the family unit as it has been our custom previously. But we have to judge whether that is to be preferred or the great injustice which has been done to the female sex should be perpetuated.

I will discuss the Bill shortly from these three points of view. First of all, with regard to the orthodox school, I want to say that there is a great misconception. They consider that the Hindu law as it has been recorded in the *smritis* and other commentaries are revelations, knowledge disclosed by God; that they are sacred, unalterable and inviolable. In this conception of theirs, I should respectfully say, they are fundamentally wrong. Those very eminent authors, those very eminent jurists have said that all the original texts which have been subsequently commented upon and developed an expanded by the various commentators are nothing but a logical collection of facts of life, that they had been made on the basis of the socio-economic structure prevailing at the time they were made and that they were records of good conduct of men and women according to which the rules were framed. Viramitro Daya explains that it is quite well-known that in India though the Hindu law is one, though the original texts are one, there are different schools. There is the Dayabhaga school, there is the Mitakshara school, and the Mitakshara school is divided into certain sub-schools like the Bombay school, Bengal school and so on. These different schools of thought are also based upon very high authorities of commentators of the original texts. Viramitro Daya says this is all due to different local customs growing and accordingly different schools were started. That proves that the Hindu law as it was originally made or recorded was progressive and was also flexible. It is not such that we can consider it inviolable and unalterable.

You will be struck with wonder to know that the very reasons, sources and origins that guide modern legislation and modern administration of justice were existent at the time when these Hindu writers put down their texts. *Dharma, vyavahara, charitra* and *Raja sashan*—these were the bases of law and legal proceedings. It had been stated that *Dharma* should give way to *vyavahara, vyavahara* should give way to *charitra,* and *charitra* should give way to *Raja sashan. Dharma* means rules of equity. Now, all the lawyers and you, Mr. Deputy-Speaker, as a Judge of the High Court would know that equity only fills up the gap. Where there is written law, where there is statute law, equity has no place, but where there is none, equity fills the gap and gives us the good reason and good conscience. That was so in the old ages also. Therefore rules of justice, equity and good conscience would give way to the laws of the *smritis* because that is the recorded law. *Smritis* again will give way to the customary law. As I have said in the beginning, those recorded laws were corresponding to the facts of life, were in correspondence with the socio-economic structure of life and were moving along with the times. Therefore, they should give way to customary law. Custom is very long usage accepted by the people in society, in the family, in a tribe, according to which people shape their conduct and which they obey as law, and to it the *smritis* will bend their heads. This shows Hindu law was something moving and ultimately *Raja sashan* or the King's ordinance prevails over all. And King's ordinances were made according to the rules of reason. The *smritis* were given the character of sacredness. This is not to be interpreted in the sense that they are so sacred that if we now depart from the *smritis* of Hindu law, we should be committing sins. They were amenable to

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changes even in those days when they were found to be unreasonable in the context of the particular state of the society. The point is that until a certain time, I should say until the age of the British rule in India, the Hindu law was something which was moving to fit into the society's development or changes. That is why we find that in Madras a certain custom is prevailing and overriding the law, in Bombay a certain other custom, and in Bengal something else. That means that as the society was moving forward, and certain things became necessary, they were introduced as a part of the law. They were known as *factum valet* or customary law.

'An undue emphasis has been attached to the character of unalterability, on account of the intervention of the British rule. As soon as the Britishers came, they decided that they should follow the Hindu law, and that they should not change the personal law. They introduced various changes in the jurisprudence of the country, but they knew that this was vulnerable, and that if they touched the people's personal law, their rule would not be peaceful. Therefore, they said that so far as the personal law was concerned, they would not touch it. First of all, they used to get it interpreted by the help of pandits. It was found, however, that some of the pandits were not very honest. Therefore, certain people were employed to make translations of the ancient sanskrit texts and commentaries and the British and other judges followed those translations and interpreted them rather narrowly. So, so long as the British rule remained, there was absolutely no progress in the Hindu law.

After the British rule, when we have now come to our own, it is time that we should see to the necessity of society and accordingly change our personal law. Before this Bill was introduced, there was a Hindu Law Committee which made extensive and intensive investigations, and produced a Bill in the line of least resistance, and this Bill has been adopted as the basis of the present legislation, subject to certain changes here and there. These changes are based upon the fast-changing social and economic factors. The principal features of the Bill are that women get absolute estates, where they used to get limited ones, and daughters who were heirs already according to Hindu jurisprudence, and who were the stock of descent of cognates some of whom could offer oblations as efficaciously as those descended from sons, also get absolute estates and become nearest heirs. Thirdly, there is no interference so far with the joint family system as such.

My point is that so far as the present Bill is concerned, there has been some improvement with regard to the status of the women. So far as daughters are concerned, they were excluded from the categories of heirs, so to speak, so far as joint family property was concerned. But now they have been included.... (*Pause*) I am sorry I have misplaced my notes somewhere.....

Mr. Deputy-Speaker: It would be better if even without the notes, the hon. Member could continue.

Shri B. K. Ray: All right....

Shri R. P. Garg (Patiala): I have not been able to follow to which school the hon. Member belongs.

Mr. Deputy-Speaker: The hon. Member's time is up now. He can make his point during the clause-by-clause consideration.

Shri Feroze Gandhi (Pratapgarh Distt. —West *cum* Rae Bareli Distt.—East): When the clauses are taken up, the hon. Member can continue.

Shri B. K. Ray: I shall just say a few words and stop.

Mr. Deputy-Speaker: My difficulty is that the hon. Member's time is already up.

Shri B. K. Ray: All right, I shall conclude here.

Shri C. C. Shah: It is not possible to exaggerate the importance of this Bill. It has far-reaching consequences. It will in a way revolutionize the entire economic and social fabric of the Hindu society, and it is therefore natural that people are greatly exercised over the consequences of this Bill. It has cut across partly lines even in this House.

Shri Velayudhan: (Quilon *cum* Mavelikkara—Reserved—Sch. Castes): Not like Bombay.

Shri C. C. Shah: The hon. Member cannot forget Bombay. That is his difficulty.

Property rights determine the social relations between man and man, and man and woman. Therefore, when we change the property rights to an extent which is something entirely different from what we have had so far, not only will the economic structure of society change, but even the social structure will change.

Considering the importance and the far-reaching consequences of this Bill, I must say that I was rather surprised that a Bill of this character was introduced in the other House, and has been brought before this House after it has been passed by the other House. Two hon. Members have already raised a protest on that. The other House is in effect really a second or revising chamber. It is intended that it should correct any hasty action taken by us, or any omission on our part. I agree that theoretically Government have the right to introduce the Bill in the other House.

Shri Velayudhan: Elders are more progressive.

Shri C. C. Shah: I submit that to reduce this House to the position of a second or revising chamber is to do violence to the spirit of the Constitution. I am saying this on this Bill, because this practice of introducing important measures in the other House is growing with Government. If the other House has not much business to do, then there are other ways of providing it with business or it could be adjourned. But this should not be a precedent for introducing in the other House all such important measures. I had raised this protest even at the time of the Special Marriage Bill. That is all that I wish to say on this point.

So far as the Bill is concerned, it will not serve any purpose at this stage to approach it if it were a battle between man and woman, man trying to give to woman as little as possible and woman trying to extract from man as much as possible. I submit that that would be a wrong approach to the Bill.

Shrimati Ammu Swaminadhan (Dindigul): We want that justice should be done to women.

Shri C. C. Shah: I entirely agree that we should do full justice, and even something more than justice, if it is possible. I have not the least quarrel about it.

Shri R. P. Garg: That will be injustice.

Mr. Deputy-Speaker: If the hon. Member agrees with me, then he should try to look towards me.

Shri C. C. Shah: I welcome this Bill for two reasons. For one thing, it introduces, and makes for the first time, a uniform code for Hindu society. That is a great achievement of which this House can be proud. We have had Hindu law varying from place to place and province to province, having all kinds of local customs and family customs, which have led to enormous litigation and to all kinds of changes in the society. I submit that it is a very great thing that we will for the first time, have a uniform code at least for the Hindu community.

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Some hon. Members have advanced the argument, 'Unless you have it for all communities in India, you cannot have it for the Hindu community'. I submit that that is only an argument to avoid this Bill at this stage. I am of the opinion that we should not delay the passage of this Bill even by a day. We have been thinking of this Bill since 1937. Eighteen or nineteen years is a long enough period to consider this Bill, however controversial it may be. Therefore, I submit that we should come to a decision about it.

I welcome the Bill for another reason, and it is that it gives rights to females. They have been denied those rights too long and it is time that we gave them rights and gave them gracefully.

Having said that, I would like to deal with the question as to what is the manner of giving those rights and what should be our approach to it. I say that we should approach this Bill in a manner where the economic stability of the community is not disturbed and we do not do very great violence to the sentiments of the people. These should be the two guiding considerations in our approach to this Bill. There is not much logic in laws about marriages or about property. Each Community forges its

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own laws according to its own historical conditions and according to its own circumstances. Therefore, mere argument of logic, that it should be the whole or half or that if it is extended to the son's daughter, why should it not be extended to the daughter's daughter, will have little place. Our approach in the matter should be different. Some Members have pointed out that the majority of the people are not prepared for this Bill. It is a controversial issue. Some other Members will say that a large majority of the people are prepared for this Bill or, in any event, are prepared to give the right to daughters, if not to anybody else. Therefore, our approach should be what I would call a balanced approach, neither going too far at a time, nor denying to women what they are legitimately and justify entitled to.

On the basis of this approach, I will briefly examine a few of the provisions of this Bill where I feel that the Joint Committee has gone much farther than the circumstances at present warrant. It cannot be denied that the Bill, as it has emerged from the Joint Committee, is radically different from the Bill which we sent to the Committee, and the changes made by the Joint Committee are of a fundamentally different character. Now, I am not arguing upon the ground as to how much we should give to the women or whether it should be more or less. If it were left to us and if it be for the benefit of the community, I would like to give all to women, if it is possible—if it will lead to the good of the community. But if we find that the economic stability of the community will be disturbed, if we find that it will do great violence to the sentiments of people, strongly held by the people, then it is time that we paused a little to consider as to how much we will give at a time, at a stage. It is not a question that we should go the whole hog at one stage and no more.

Now, first of all, as regards joint family property, I entirely agree that if we exclude joint family property completely from the purview of this Bill, we would be denying to women their share in the major part of the property, and that will not be giving to them what they are entitled to. I am of the view that if we are to give the right to women to joint family property, the only, simple, logical course is to put an end to joint family and co-parcenary. As my hon. friend, Shri Venkataraman, says, there is no half-way house. Clause 6 is the most unsatisfactory part of this whole Bill, and yet, it is the most important clause in this Bill.

Shri K. K. Basu : It is helpful to him, on other grounds.

Shri C. C. Shah : If my approach were that it should be helpful to me, I would have welcomed it. But, as I have said, that is not my approach at all.

Survivorship and succession are two contradictory ideas, and any effort to keep the two together is an effort which will lead to any amount of complications. The Rau Committee has advanced the most cogent arguments, with a degree of lucidity of which only Shri B. N. Rau was capable. He had made out a case that the only way of dealing with this is to put an end to joint family. I do not want to take up the time of the House in arguing that matter, because the time at my disposal is limited; but I hold that view. But if that is not possible, then I would say that the explanation to clause 6 is one which is most unjust. The explanation will create complications which will defeat the very purpose of this Bill.

I will take only one simple argument. The explanation to clause 6 seeks to include into the father's share, the share of the undivided son. If you are to put an end to joint families here and now, what will be the position? The daughters will succeed only to the father's share. Assuming that you put an end to all joint families here and now, then on the death of the father, the daughter will succeed only to the father's share. But because you keep up the joint family, you want that the daughter should succeed not only to the father's share but to the share of the undivided son, a result which, to my mind, is incomprehensible.

Apart from many other arguments, the succession on intestacy must be only to property over which the man has the power of testamentary disposition. That is the fundamental principle of any intestate succession, that a man has a right because he is the best judge as to what the disposition of his property should be. Being the best judge, he knows where it should go—it may go more to his daughter and less to his son. One son may be too bad and the daughter may be in need. Therefore, the man is the best judge.

Now, a Hindu co-parcener can, by the right which we are now giving under explanation to clause 32, make a testamentary disposition only regarding his share; he cannot make a testamentary disposition regarding his undivided son's share. But for the purpose of intestate succession, we are including the undivided son's share in the father's share to compute the share of the daughter, a result which is, again, incomprehensible. The hon. Minister has said that the clause has been drafted on the lines of the provision in the Estate Duty Act. With all respect to him, there is no analogy between the two. In estate duty, there is only a notional partition—not an actual partition. It is presumed as if there is a partition, only for the purpose of computing his share for the estate duty, but the property remains joint. Under clause 6, immediately on the death of the man, if there is a female heir, there will be an actual partition. Even in estate duty, for the purpose of taxation, you have not added an explanation, which you have added here.

Shrimati Jayashri: (Bombay-Suburban): Legalised fraud.

Shri C. C. Shah: I do not understand what the Hon'ble Member means. Therefore, my submission is that if the Government, for any reason, at this stage are not prepared to take the simple, logical course of putting an end to joint family, and if the daughters and the other female heirs are to be given a share in joint family property—which, I think they should be—the minimum we can do to avoid unnecessary complications and litigation is to omit the explanation. I concede that by omitting the explanation the daughters will get in joint family property something less than what they otherwise would get. I entirely concede that; but at the same time, we must remember that when this Bill was sent to the Joint Committee, we were giving to the daughter only a share equal to half that of the son. We are now in all property giving them an equal share. If in a joint family property, they get something less than an equal share, I would appeal to the lady Members also to consider the economic stability of the society, to consider all the great advance we are making at this stage, and not to look at it as a battle for getting as much as possible. Rather, they should look to the good of the community at large, to accept a compromise which, under the present circumstances, until we put an end to joint family, is, in my opinion, the only logical course which we can take. This is as regards clause 6.

Then I have to say a word about clause 16.

Mr. Deputy-Speaker: The hon. Member's time is up.

Shri C. C. Shah: Five minutes more.

Mr. Deputy-Speaker: Two minutes more. The House wants me to stick to the time-limit strictly.

Shri C. C. Shah: I will speak again at the time of the clause by clause consideration stage. I appreciate your point.

May I say a word about clause 17? Clause 17 relates to succession to females. Under this Bill, the succession to females is going to be as important as—even more important than—succession to males, because the female gets absolute property. She gets equally with the males and, probably, as she inherits both from the father and the husband, she may have more property than a male. Therefore, it becomes necessary for us to examine very carefully the succession which we provide to the property of a female.

Take sub-clause (1). We say, in the first instance, it will go to her sons and daughters and the husband. Assume that she has no issue, on children, except a widowed daughter-in-law. Then, the widowed daughter-in-law will not succeed. She will not get anything from the property of the mother-in-law. Is it fair, I submit?

Then, if she has a son's son's son or a son's son's daughter or a daughter's daughter's daughter. The Bill, as it stands, provides only up to the second generation in the case of succession to a female while, in the case of succession to a male, it provides up to 3 generations.

We come to the second line. After the sons, daughters and the husband, the devolution is upon the father and the mother of the female. In this case it is a case of a childless widow. The childless widow inherits all the property of her husband, being the only heir of her husband. Is it fair and proper that all the property inherited by a childless widow from her husband should go entirely to her father and mother, exclusive of the

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heirs of the husband? That will be the result of the succession provided in this Bill. (*Interruption.*)

I am coming to sub-clause (2).

I will finish in a minute Sir.

So far as sub-clause (2) is concerned, it is intended to undo that injustice and to say that the husband's property will go to the husband's heirs and the father's property will go to the father's heirs. I agree with Pandit Thakur Das Bhargava that sub-clause (2) is entirely unworkable and will lead only to litigation. Supposing a woman inherits Rs. 10,000 from her father and Rs. 10,000 from her husband and she mixes the property. Ultimately, she leaves a property of Rs. 5000, or Rs. 10,000 or even Rs. 15,000. How do you know how much is left out of the father's property and how much is left out of the husband's property? The only result will be that there will be litigation. I know that it is intended to undo the injustice of sub-clause (1). But, my submission is that the only way to provide for it properly is that (b) in sub-clause (1) should be made (b), that is, the heirs of the husband should come before the father and mother of the deceased. That is the only way of doing justice.

बाबू राम नारायण सिंह (हजारीबाग-पश्चिम): उपाध्यक्ष महोदय, आप को बहुत बहुत धन्यवाद कि आप ने मुझे भी इस विषय पर बोलने का अवसर दे दिया। यह बिल तो स्वागत का पात्र नहीं है, लेकिन इस विषय में जितने भाषण यहां पर हुए हैं वे अवश्य ऐसे हैं जिन का मैं स्वागत करता हूं। स्वागत इस लिये करता हूं कि मैं इस पार्लियामेंट में बहुत रहा हूं, और हमेशा यह देखा है कि यह स्थान सदा एक युद्ध क्षेत्र जैसा रहा है। उधर से लोग जो कुछ कहे उस का इधर के लोग विरोध करें और इधर से जो कुछ कहा जाय, सरकार की तरफ से उस का विरोध हो। लेकिन आज मैं देख रहा हूं कि जो लोग बोल रहे हैं वह अपने अन्तःकरन की बात बोल रहे हैं। वे किसी भी दलबन्धी के दलदल में नहीं हैं। मैं समझता हूं कि इसी तरह की बातें सदा हों, तभी यह पार्लियामेंट ठीक ठीक अपना कार्य कर सकेगी।

पंडित डी० एन० तिवारी: हम वही करते हैं।

बाबू राम नारायण सिंह: मुझ को यह सुन कर बड़ी खुशी हुई कि हमारे मित्र कहते हैं कि हम लोग वही करते हैं। अगर यही हमेशा होता रहता तो मुझे इस बात के कहने का अवसर न मिलता।

पंडित डी० एन० तिवारी: भ्रम हो जाता है।

बाबू राम नारायण सिंह: हमारे एक मित्र कहते हैं कि हम को भ्रम हो जाता है। अगर भ्रम ही होता हो तो यह तो खुशी की बात है, लेकिन सत्य कथा तो यही है कि अगर भ्रम है तो रहे लेकिन वास्तव में कार्य ठीक होना चाहिये।

मैं जो यह कह रहा था कि मैं इस बिल पर दिये गये भाषणों को स्वागत करता हूं, तो इस का यह मतलब नहीं कि जो कुछ कहा गया है उन सब का मैं समर्थन करता हूं और सब चीजों से सहमत हूं। लेकिन जो कुछ भी कहा गया, जैसे कि हमारी बहन सुभद्रा जोशी ने कहा बालिकाओं के कष्ट के बारे में और समाज में जैसा उनके साथ बर्ताव होता है, वह बहुत हद तक ठीक था। सच्ची बात यह है कि संसार का कोई विषय आ जाय, उस के लिये यह कह देना कि सर्वांग सुन्दर है, सर्वांग ठीक है, यह जरा कठिन है। इस सम्बन्ध में मुझे भ्रतृहरि का एक श्लोक याद आता है जिस का आखरी पद यह है :

"न जाने संसारः किममृतमयः किम् विषयः"।

इसका भावार्थ यह है कि संसार में जित विषय होते हैं, उन सब के बारे में आप देखेंगे कि दो पक्ष रहते हैं। जैसे कि भ्रतृहरि महाराज ने कहा है। परस्पर विरुद्ध भावनाओं के बारे में प्रत्येक विषय का वर्णन करते हुए उन्होंने कहा है कि किसी तरफ से देखत हैं तो आनन्द की सीमा नहीं और किसी तरफ से देखते हैं तो दुःख की सीमा नहीं, किसी तरफ देखते हैं तो ज्ञान की सीमा नहीं, दूसरी तरफ से देखते हैं तो मूर्खता की सीमा नहीं। इसी लिये उन का कहना था :

"न जाने संसारः किममृतमयः किम् विषमयः"।

अर्थात् किसी भी वस्तु के लिये यह कहना कठिन है कि वह अमृतमय है या विषमय है। हमारे यहां के जितने पुराने कानून चले आ रहे हैं, उन में यह कहना कि कोई दोष नहीं है, बहुत कठिन है लेकिन यह भी कहना ठीक नहीं है कि वह बिल्कुल दोषमय है। इसी लिये जैसा मैं ने कहा, मुझे बड़ी खुशी होती है कि जितने भी सदस्य बोल रहे हैं वह उसी बात को कह रहे हैं जो उन के हृदय में उठ रही है। लेकिन इस सरकार के सम्बन्ध में मुझे एक कथा याद आ जाती है। एक ऊंट पर सवार हो कर कोई आदमी

कहीं चला जा रहा था । उस सवार के हाथ में ऊंट की नकेल नहीं थी । किसी ने उस से पूछा कि तुम कहां जाते हो, तो उस ने जवाब दिया कि न जाने कहां जाता हूं । मेरे हाथ में नकेल तो है नहीं, ऊंट की मर्जी है चाहे जहां ले जाय । इसी तरह से यह सरकार हमारे राज्यको किस तरफ ले जा रही है इस का पता नहीं । जनता रूपी सवार के हाथ में नकेल तो है नहीं, यह सरकार रूपी ऊंट जनता को चाहे गढ़े में ले जाय चाहे जहन्नुम में ले जाय, या कहीं भी ले जाय ।

मैं एक बात कहता हूं कि मैं ने जुरिज्प्रूडेन्स (न्यायशास्त्र) में कहीं पर पढ़ा था कि कानून क्या है । What is law ? ला के माने थे : Law is nothing but the will of the people expressed in terms of law. कानून जनता की इच्छा मात्र है और कुछ नहीं । जो कुछ जनता चाहती है उसी को कानून का रूप दे दिया जाता है ।

जो कानून बनने जा रहे हैं, या इस प्रकार के जो दूसरे कानून रोज बरोज बन रहे है उन को कौन चाहता है ? श्री ठाकुर दास भार्गव ने कहा कि इस बारे में देहात में जाकर पूछा जाय और शायद उन्होंने अपने निर्वाचन क्षेत्र में पूछा भी है । कोई भी इन कानूनों को नहीं चाहता है । जिस विधेयक पर आज बातें हो रहीं हैं, उस के विषय में कुछ इने-गिने लोगों को छोड़कर दस पांच सैंकड़ो लोगों को छोड़कर सारा भारतवर्ष कहेगा कि इस की जरूरत नहीं है । मैं तो यहां तक कह सकता हूं कि इस कानून को बनाने वाली संस्था को सरकार कहलाने का हक नहीं है । हां, वर्तमान सत्तारूढ़ लोगों के पास लाठी है, वोट है, इस लिये वह जिस प्रकार चाहे, शासन करें, जो कानून चाहें पास करते जायें और लोगों पर लादते जायें । यह डेमोक्रेसी (लोकतन्त्र) का सवाल नहीं है और न ही इस को डेमोक्रेसी कह सकते हैं । डेमोक्रेसी का अर्थ क्या होता है उसका अर्थ होता है रूल बाई दि मैजारीटी (बहुसंख्यकों का शासन)–डिसिजन बाई दि मैजारिटी (बहुसंख्यकों का निर्णय) । और वह मैजारिटी कैसी होनी चाहिये ? वह खरीदी हुई मैजारिटी नहीं होनी चाहियें–खरीदे हुए लोगों की मैजारिटी नहीं होनी चाहिये–जो स्वतंत्र हो, पवित्र हो, जिस को अपनी बात कहने का हक हो, ताकत हो, उस को वास्तविक अर्थों में मैजारिटी कह सकते हैं । यह नहीं कि कोई जमींदार अपनी रैयत को बुला ले या कोई लीडर अपने अनुयायियों को बुला ले और उन से वोट दिला दे । वह मैजारिटी नहीं कहलाती । वह तो डेमोक्रेसी का अपमान है। इस तरह की जो भावना सारे देश में चल रहीं है, वह बिल्कुल भ्रमात्मक है । जब किसी राजा का राज्य नहीं है, तो उस को डेमोक्रेसी कहेंगे–हिन्दी में उस को डेमोक्रेसी नहीं कहेंगे, हिन्दी में कहेंगे पंचायती राज । और पंच को हमारे देहात में पंच परमेश्वर कहा जाता है, जिस का तात्पर्य यह है कि वह इतना निष्पक्ष और न्यायी होता है, जितना कि ईश्वर । हमारी जो पंचायत बनी हुई है, उस में कहां तक निष्पक्षता के साथ या न्याय के साथ विचार होता है या वोट दिया जाता है ? मैं समझता हूं कि वह आप भी जानते हैं और संसार भी जानता है । इस को पंचायती राज नहीं कह सकते । जहां पर बहुत सुन्दरता से विचार किया जाय और स्वतंत्र रूप से अपनी राय दी जाय, वहां पर पंचायती राज होता है । यह कानून जबर्दस्ती बनाया जा रहा है, जिस को देश नहीं चाहता है । मुझे इस बात की बड़ी खुशी है कि हमारे सब भाई अपने अपने विचार बड़ी स्वतंत्रता से रख रहे हैं । मैं समझता हूं कि अगर ठीक प्रकार से वोटिंग होगी–अगर अन्त तक वोट देने की भी स्वतंत्रता रहे, तो यह विधेयक कभी पास नहीं होगा । यह न पास होना चाहिये और न यह पास होने का योग्य है । अगर हुकुम आ गया कि इस को पास करना होगा, नहीं तो लीडर नाराज हो जायेंगे, या इस्तीफा देने की धमकी दी गई, तो उस हालत में तो जो भी हो जाय, लेकिन जिस तरह से लोग बातें कर रहे हैं, अगर उन्हीं के अनुसार वोट भी देंगे, तो इस का पास होना असम्भव है । मैं एक बात सब को कह देना चाहता हूं कि जो लोग इस का विरोध कर रहे हैं–और जिन की संख्या बहुत काफी है–अगर वे अपनी राय व्याख्यान के खिलाफ वोट देंगे, तो जब हमारी भावी सन्तान पढ़ेगी कि हमारे पूर्वजों ने विधेयक के खिलाफ बोल तो खूब दिया, लेकिन वोट देने के वक्त उस को पास कर दिया, तो उन के दिमाग में उन लोगों के लिये क्या स्थान रहेगा, क्या सम्मान रहेगा, इस पर भली प्रकार विचार कर लेना चाहिये । यह एक आदमी की बात नहीं है, सारे देश की बात है ।

कल श्रीमती सुभद्रा जोशी ने कहा था–और बहस के लिये वह ठीक भी है–कि न जाने क्यों जो व्यवहार और दृष्टिकोण लड़कों के प्रति होता है, वह लड़कियों के प्रति नहीं होता है

[श्री बाबू नारायण सिंह]

यह भी ठीक है कि लड़कों का जो हक होता है लड़कियों का हक भी उतना ही होना चाहिये। समानता के बारे में जो बातें होती हैं, उन को समझने में मुझे जरा दिक्कत होती है और लोग भी उन के बारे में गड़बड़ाए रहते हैं। स्त्री और पुरुष के सम्बन्ध में समानता का प्रश्न तो तब आता, अगर दो स्वतंत्र व्यक्ति रहते या कोई विरोधी व्यक्ति रहते, लेकिन जैसी सृष्टि है, उस में स्त्री और पुरुष एक दूसरे के पूरक हैं, एक दूसरे के विरोधी नहीं हैं। हमारे शास्त्रों में कहा गया है कि स्त्री अर्धांगिनी है। संसार का काम तब तक चल नहीं सकता, जब तक कि दोनों में सहयोग न हो। इस अवस्था में समानता की बात कहां से आती है ? हमारे बहुत से अंग-प्रत्यंग हैं, जिन का अपना अपना स्थान और महत्व होता है। यह कितनी हास्यस्पद बात होगी यदि हाथ की तरफ से दावा हो कि वह पैर बराबर हो। वास्तविकता यह है कि पाश्चात्य शिक्षा नें हमारा दिमाग को भ्रष्ट कर दिया है और अब हमारा मत बन गया है कि जो कुछ पाश्चात्य देशों में होता है, वह सब कुछ यहां भी होना चाहिये।

हमारे शास्त्रों में यह विधान है कि जिस वक्त स्त्री और पुरुष बैठ कर सदा के लिये अपना सम्बन्ध जोड़ते हैं—अर्थात् जिस समय उन का विवाह होता है—जहां तक मुझे ख्याल है, एक दूसरे से प्रतिज्ञा करते हुए पुरुष की तरफ से यह संकल्प होता है कि मेरी जो कुछ कमाई हो, वह स्त्री के लिये है—मेरा सर्वस्व स्त्री के लिये है। अगर किसी कानून के अनुसार पुरुष की जितनी कमाई हो, उस में स्त्री का आधा हिस्सा रहे, तो मैं उस का समर्थन करता हूं। मैं तो यहां तक कहने के लिये तैयार हूं कि पुरुष का कोई हक नहीं कि वह एक पैसा भी बिना स्त्री की मर्जी के खिलाफ खर्च कर सके। यह बिल्कुल अच्छी और सही बात है। लेकिन लड़की को भाई के बराबर कह देना, या पिता के धन में हक देना सारे देश को झगड़े में डाल देना और हर तरह की अशांति पैदा करना है। कानून बनते हैं दुनिया में हो रहे अनर्थ को रोकने के लिये, लेकिन इस तरह का कानून बनने से देश में अनर्थ फैलेगा, घटेगा नही, यह तो बिल्कुल मानी हुई बात होनी चाहिये। मैं लड़की का भी पिता हूं और लड़के का भी। लड़की के लिये जो कुछ भी किया जाय, उस को आदमी कम समझता है और उस के लिये हर समय बहुत कुछ करने के लिये तैयार रहता है, लेकिन लड़की का वहां पर हक हो, यह बिल्कुल अनर्थ का मूल हो रहा है। मैं पाटस्कर साहब से कह देता हूं कि देश का तकाजा है, हमारे धर्म का तकाजा है, हक का तकाजा है कि वह इस बिल को वापिस लें। जो व्यवस्था और जो कानून जब से दुनिया और चान्द सूरज बने हैं, तब से चले आ रहे हैं, उन से क्या हर्ज हो रहा है कि आप एक नई बात ला कर दुनिया में हलचल पैदा कर देना चाहते हैं ? बहुत से लोग पागल होते हैं, जो दुनिया करती है, उस के खिलाफ काम कर के वह दुनिया में सनसनी पैदा करते हैं। तो यह जो बिल अपने पेश किया है इसके बारे में सब की और अपने दल वालों की राय भी आपने सुन ली है। इस वक्त ईमानदारी और धर्म का यह तकाजा है कि आप इस बिल को सीधे सीधे वापस ले लें। हां स्त्रियों और लड़कियों के सुख के लिये आप कोई ऐसा उपाय सोचें कि जिसमें सब लोग सहमत हों तो उसको आप सदन के सामने ला सकते हैं। पर इस तरह का अनर्थ फैलाना तो किसी तरह योग्य नहीं है और न सरकार को ऐसा करने का हक है।

Shrimati Maydeo (Poona South) : The legislation for which we have been waiting so long has come at last and so I would welcome it wholeheartedly because it will give the rightful place to women in the society of which she will be proud. In this Bill, the woman gets a right in the property equal to that of her brother and son. She has also got the absolute right over the property which she inherits. Nearly eight crores of women in this country will benefit by this Bill and if women under 21 years of age are included, then it will be nearly sixteen crores. When these sixteen crores of women are made happy and satisfied, they will create a very nice atmosphere in the family and I am sure that the happiness and love in the family will increase. I would, therefore, ask all my brothers and sisters to welcome this legislation.

Some hon. Members have objected that we are changing what was given or what was said by the *smritikars*. Laws are changing all the time; they have not been stationary. If they said something at the time of *Vedas* or *smritis* the time was different. At the time of *Vedas* women in India had equal rights with men. They had composed some of the passages there and they used to recite poems to satisfy heavenly Gods. They had all rights equal with the men. Their conditions deteriorated at the time of

Smriti as thhere were invasions from outside and other evil customs came in.

By this Bill we are not doing something which was never in vogue in this country. We are only going to bring about conditions that were already there at the time of *Vedas*.

Some hon. Members of this House feel that, if they inherited equally with their brothers, there will be quarrels among brothers and sisters. I do not understand why love should be based on money alone. I know a family of three sisters and one brother. He knows that after this Bill he would get only one-fourth of what he would have got before this Bill. Still, he was so pleased, that when his sister had a child, he went to see the child and gave Rs. 200 to her. He knew that his three sisters will take away three fourths of the property. It shows that love does not depend upon money. It depends upon how the children are brought up in the family.

Some hon. Members say that by giving some share or money to women, there will be disruption in the family and society. I do not understand how they manage their affairs in the family. It all depends upon the father and mother and all the members of the family and how they are brought up. Even if the daughter takes away the share, the father or the mother need not be anxious that the son-in-law will claim something and that there will be quarrels in the family.

Some hon. Members felt that the wife's property would not be inherited by the husband and that only husband's property was inherited by the wife. Clause 17 clearly lays down that the property of a woman dying without a will, will be divided by her son, daughter and husband. Only when she dies without an issue, the property which she might have got from the father's side will go to the father's side. It is all given here and it should be so.

Some hon. Members feel that by giving a share to the daughter, the Mitakshara family will be disrupted. But, from the clauses, I find that the Law Minister has tried to satisfy the largest section of the society. Shri C. C. Shah felt that clause 6 should be amended. When the Bill was introduced in the previous Parliament, it failed because of the Mitakshara system being done away with. Now, the Law Minister has drafted it in such a way that the daughter will get some share while the Mitakshara system is also not disrupted. The father has a right to will away the property to his daughter and sons also have a right to separate. That is all given in the Mitakshara system.

Some Members are afraid that by one hand he is giving something to the daughter but, by the other, he is taking it away because the father will have to will away his property to his sons and daughters and that the sons will get twice their share—once when he separates and once again when the father wills away his property.

But that does not matter. Daughters will be satisfied even with that because they will get something. Uptill now what was the case? Some Members said: "Are we not giving so much to our daughters? Are the husbands not giving so much money to their wives? They are satisfied and they are happy in their houses". But, women do not want anything by way of favour. They want it by right. If once this principle is accepted, then they will be most happy and their position in the society will be raised. The ill-customs like dowry, child-marriage etc. will automatically disappear.

If the women are given a share in the property, they will get more education. The outlook of the society on women will change. They will get responsible positions in the society, which they are denied at present. The status of the women in the society will change the moment they begin to get a share of the property.

Some Members have mentioned another point. They have taken the case of agricultural land. If a daughter gets a share in the agricultural land, they say there will again be disruption. Those illiterate people in the villages will not understand how to will away their property with the result that there will be litigation. But I ask, if we take away everything, then what will remain for the daughters. Our Law Minister has said that if there is a house left and if the brothers do not want to divide it, then the daughter will not get a share and she will only have a right to go and stay there. If in the case of the agricultural land also you want to say the same thing, then what will the daughter

[Shrimati Maydeo]

get? We must be generous and at least allow a share of the agricultural land to the daughter.

In clause 24 the Law Minister has made a provision that it should not come in the way of any legislation to be made hereafter regarding agricultural land. Supposing a daughter gets a share of the agricultural land, can she take away that land to the place where she might be herself staying? Will it be possible for her to go and stay in the village? How can she cultivate and enjoy the land which has come to her as her share? Because she is staying far away, she will naturally tell her brother to cultivate the land and if her brother gives her the produce from that land she will be satisfied. If her brother does not give anything, can she come from such a far distance and claim the produce? Therefore, the fear expressed by some Members, I think, is not correct.

Therefore, I feel that the Bill, as it is drafted, goes to satisfy almost all the sections of the society. It should therefore get the support of all the Members and it should be passed without any delay as suggested by Shri C. C. Shah.

श्री बी० पी० सिंह (मुंगेर सदर व जमुई) : मैं समझता हूं कि यह बिल लाना ही अनाधिकार है क्योंकि संविधान के अनुसार हमारा एक धर्म निरपेक्ष राज्य है और इसलिये हमें केवल हिन्दुओं के नाम पर कोई बिल नहीं लाना चाहिये था और सब जातियों के वास्ते एक सा युनिफार्म सिविल लॉ (एकरूप व्यवहार विधि) लाना चाहिये था । उसी हालत में विधान की प्रतिष्ठा स्थापित हो सकती है । पहली शिकायत तो इस बिल के सम्बन्ध में यह है कि यह युनिफार्म नहीं है और केवल हिन्दुओं पर इसका प्रभाव पड़ने वाला है ।

दूसरी बात यह है कि यह बिल जो लाया जा रहा है इसमें देश में एक भ्रम फैलाया जा रहा है और इस बिल को देखने से ऐसा मालूम पड़ता है कि इस कानून के बनाने वालों को देश के निवासियों की सच्ची परिस्थिति का ज्ञान नहीं है । मैं समझता हूं कि इस बिल का एक ही मंशा हो सकता है कि स्त्रीयों को समानाधिकार मिले और सम्पत्ति में अधिकार मिले । मैं माननीय कानून मंत्री से जानना चाहता हूं कि क्या स्त्रियों को पति (हस्बैंड) की सम्पत्ति (प्रापर्टी) में पूरा अधिकार मिलने से इस बिल की मनशा पूरी नहीं होती है । । मैं तो समझता हूं कि कानून में अगर इस बात की व्यवस्था हो जाय कि लड़की जब तक अविवाहित रहे तब तक तो उसे पिता की सम्पत्ति में अधिकार प्राप्त रहे और तत्पश्चात् उसको अपने पति की सम्पत्ति में अधिकार प्राप्त हो तो इस कानून के बनाने वालों की मंशा पूरी हो जाती है और उस मंशा के पूरी होने में कोई कमी नहीं रह जाती है ।

साथ ही साथ जो हमारे देश के किसानों की अवस्था से परिचित होंगे वे जानते होंगे कि इस विधेयक के द्वारा किसानों में कितनी बेचैनी फैल रही है । आज यह कहा जा रहा है कि किसानों की सम्पत्ति सीमित कर दी जायगी अर्थात् एक किसान २५ एकड़ भूमि की सीलिंग फिक्स कर दी जायगी और मान लीजिये कि अगर एक किसान के चार लड़कियां और एक लड़का है तो वे लड़कियां बीस एकड भूमि की अधिकारी हो जाती हैं और अगर एक लड़का नाबालिग है और उसकी नाबालिगी में ही उसके माता पिता की मृत्यू हो जाती है तो आप समझ सकते हैं कि उस लड़के की क्या अवस्था होगी ? यह कहा जाता है कि आगामी पंचवर्षीय योजना काल में हम लोगों के स्टैंडर्ड आफ लिविंग (जीवन स्तर) को ऊंचा करने जा रहे हैं जब कि हम देख रहे हैं कि प्रथम पंचवर्षीय योजना में किसानों का स्टैंडर्ड आफ लिविंग कुछ भी ऊंचा नहीं हो सका है और आज हालत यह है कि जहां राष्ट्रीय आय प्रति व्यक्ति २८५ रुपया है वहां पूर्वी भाग के किसानों की आय प्रति व्यक्ति ११० रुपया है। और यदि १६ प्रति शत आय में वृद्धि हो गई है तो भी आज उन किसानों की क्या अवस्था है आज जब आप इस तरह के विधेयक ला रहे हैं तो इसका कैसा प्रतिकूल असर उन लोगों पर पड़ेगा और कितनी गलत फहमी इसको लेकर उन लोगों में आप फैलाने जा रहे हैं। आज हमारे किसानों के पास कुछ भी सम्पत्ति नहीं है और वह समझ नहीं पाते हैं कि आज हम किस अवस्था में हैं और कल किस अवस्था में रहेंगे । हमारे नेताओं को उनकी सच्ची परिस्थिति का ज्ञान नहीं है और न उन्होंने सच्ची सच्ची जानकारी प्राप्त करने की कोशिश ही की है । यदि उन्होंने इसके लिये कोशिश की होती तो फिर इस तरह का कानून लाने की आवश्यकता ही नहीं समझते । आज सबसे पहली आवश्यकता तो इस बात की है कि राजनैतिक स्वतंत्रता की प्राप्ति के पश्चात् आर्थिक अवस्था में सुधार लाने

का प्रयत्न होना चाहिये । सरकार इस बारे में जो कुछ कदम उठाती भी है वह महज कागजी कदम होते हैं और वे वास्तविकता से दूर होते हैं । आज आप एक किसान परिवार की सिलींग (अधिकतम भूमि) २५ एकड़ पर फिक्स (निश्चित) करने जा रहे हैं और उस थोड़ी सी जो सम्पत्ति या जमीन में लड़की को अधिकार दिलाने की बात कर रहे हैं, यह चीज साबित करती है कि आप को वास्तविक परिस्थिति का ज्ञान नहीं है कि इसका कैसा खराब नतीजा निकलने वाला है और इसके द्वारा गांवों के परिवारों में कैसे कलह और झगड़े के बीज आप बोने जा रहे हैं । जहां तक लड़की को उसका अधिकार दिलाने की बात का सम्बन्ध है, मुझे गांवों का अनुभव है और मैं जानता हूं कि धनी लोग भले ही अपनी लड़कियों को सम्पत्ति में हिस्सा न दें लेकिन एक गरीब किसान जिसके पास सिवाय एक लोटा और थाली के कुछ नहीं होता वह भी जब लड़की शादी के बाद अपने ससुराल जाने लगती है तो वह इस बात की पर्वाह नहीं करता कि आज जो मैं यह लोटा और थाली लड़की को दे रहा हूं तो कल को मैं किस में खाउंगा और पानी पिऊंगा और वह लड़की को चलते वक्त दे देता है । आप कानून के जरिये लड़की के प्रति माता पिता के दिल में वह प्रेम भाव पैदा नहीं कर सकते जो कि आज उनके दिलों म मौजुद है ।

मैं समझता हूं कि श्रीमती उमा नेहरू की इस राय से कि किसान की जो खेती की भूमि है उसमें बंटवारे का अधिकार न दिया जाय, हर एक आदमी सहमत होगा और मेरा अनुरोध है कि न्याय मंत्री उनकी इस राय को मान लेंगे और इस विधेयक के द्वारा हमारे देश की सामाजिक अवस्था में जो गड़बडी और अव्यवस्था फैलने वाली है, उसको फैलने स बचा लेंगे । आज हमारे समाज की संयुक्त परिवार प्रणाली एक विशेषता है और उस विशेषता को नष्ट करने के लिये कितनी ही चीजें हमारे सामने आ रही है । एस्टेट डयूटी बिल (सम्पदा शुल्क विधेयक) और इस तरह के दूसरे कानूनों से हमारे देश में संयुक्त परिवार प्रणाली को खत्म करने की कोशिश की जा रही है जो कि आज की अर्थिक अवस्था में करना उचित नहीं होगा और अगर ऐसा किया गया तो उस प्रणाली की जो विशेषता है और उससे जो हमको लाभ था उससे हम वंचित रह जायेंगे । मैं समझता हूं कि जो हमारा समाज है उस को आप बिगाड़ नहीं सकते ।

इस लिये मेरा निवेदन इस बिल के सम्बन्ध में मंत्री महोदय से यह है कि वे इस पर गम्भीरता से विचार करें और इस से देश में जो भ्रम फैलने वाला है, जो अशान्ति फैलने वाली है, उस को मिटाने की पूरी पूरी चेष्टा करें ।

इस बिल में उस क्लाज (खंड) में जहां पर कि मकान का जिक्र आया है मकान की पूरी छूट रहनी चाहिये । इसी तरह से ऐग्रिकल्चरल (खेती की) जमीन की छूट रहनी चाहिये । जैसा मेरी बहन ने बताया कि ऐग्रिकल्चरल लैंड में लड़कियों को हिस्सा नहीं मिलना चाहिये, हां मां को उस में हिस्सा मिल सकता है । आज जब जमीन की सीलिंग होने जा रही है और कोई भी आदमी बहुत ज्यादा जमीन अपने पास नहीं रख सकेगा, उस समय में यदि उस की जमीन के और भी हिस्से हो गये तो वह कभी भी खेती नहीं कर सकेगा। फल यह होगा कि वह दूसरे रोजगारों में लग जायेगा जिस में कि वह ज्यादा पैसा पैदा कर सके । लेकिन अगर हमारे कानून मंत्री इस बात को मानने के लिये तैयार नहीं हैं और चाहते हैं कि लड़कियों को शादी के बाद भी सम्पत्ति में अधिकार मिलना चाहिये, तो उस के लिये सब से उत्तम चीज यह होगी, और लड़कियों को भी इस में घाटा नहीं होगा, उन को गारंटी हो कि वे अपने पति की प्रापर्टी में हिस्सा पायेंगी । जब तक वह अविवाहित हों तब तक उन को पिता की सम्पत्ति में अधिकार हो और शादी के बाद पति की सम्पत्ति में अधिकार हो । इस से इस कानून की मंशा भी पूरी हो जायेगी और किसानों के बीच में, जनसाधारण के बीच में, सरकार के प्रति जो अविश्वास पैदा हो रहा है वह भी दूर हो जायेगा ।

मैं समझता हूं कि जो सुझाव मैं ने दिये हैं उन पर मंत्री महोदय गम्भीरता से विचार करेंगे । मैं समझता हूं कि आज यहां पर कोई भी आदमी ऐसा नहीं है जो यह चाहता हो कि स्त्रियों को उन के अधिकारों से वंचित रखा जाय । और यदि पति की सम्पत्ति में स्त्री को अधिकार देने से मंशा पूरी हो जाती है तो हमारे मंत्री को जो कुछ उन्होंने सोच रखा है उस पर जोर नहीं देना चाहिये ।

इस सम्बन्ध में मैं फिर न्याय मंत्री से कहूंगा कि स्त्री को विवाह के पूर्व अपने पिता की सम्पत्ति में हिस्सा मिलना चाहिये और विवाह के उपरान्त पति की सम्पत्ति में और इन शब्दों को कह कर अपनी बात समाप्त करूंगा ।

Shri B. C. Das (Ganjam South): From the trend of discussion in this House, one is surprised that the majority of Congressmen are opposed to this measure.

Some Hon. Members: No, no.

Mr. Deputy-Speaker: It is only an estimate of the trend. One might differ from the other. Why should there be impatience?

An Hon. Member: We will know at the time of voting.

Shri B. C. Das: It appears that the measure sponsored by the Congress Government was vehemently opposed by the Congressmen on the floor of this House. I wonder why there is terrific uproar over this Bill. Was not such a measure overdue? Will the passing of this Bill upset our social order? Will it break our society into pieces? I am constrained to say that the opposition against this Bill is artifically engineered. It has no social basis which can be called broad. It is narrow and slippery and is going to break into pieces.

Let me make my point a bit clear. Politically, socially and economically, the situation is already ripe for such a measure. We declare ourselves a political democracy, a democracy based on adult franchise. Anyone who is a student of politics knows that the individual is the unit in a democracy, and it is the individual who is vested with power to shape the destinies of the country. It is not the family that is the unit in a democracy. The family was the unit in an oligarchy and in a feudal system. When once you accept political democracy, logically you have to accept also rights of the individual in social life. Therefore, the joint family system which denied individual liberty and on which injustice was perpetrated, this injustice towards certain sections or classes of humanity, has outlived its utility. In democracy, in the eye of the law, everyone is equal. So, you cannot swear by democracy and at the same time preach for two sets of laws of inheritance—one for the womenfolk and another for the menfolk. In the eye of the law there must be one law of inheritance for both men and women. This is fundamental to democracy. Democracy is based on the rights of the individual and individual freedom. The joint family system, we know, presupposes the head of a family who has got a lot of authority and all other members of the family surrender their rights to the head of the family. That was joint family. But that joint family has fast disappeared. Today, no member of the joint family will surrender his individuality to the head of the family. Everyone wants to grow up into full freedom and everyone wants to play his part in society, and as such, the joint family system, politically, has outlived its day.

Economically also, the joint family system no more has any utility. The first blow came on the joint family system when you accepted the principle that a coparcener has the right to separate himself from the joint family. That means the joint family is no more unbreakable. The joint family is being split up into two small individual families once you recognise that the coparcener has the right to separate.

Then you have the income-tax. The impact of the income-tax has also split the joint family and we find generally the rich families splitting into small families and the joint families are no more favoured by the rich classes. Then the estate duty has come in, and it has also made its inroads upon the joint family system. The estate duty also presupposes the breakability of the Mitakshara joint family system and on the assumption that a member of the joint family can separate himself from the joint family, the estate duty is levied. So, we know that our economic laws are so operating today that they do not expect this joint family system to continue for long.

In many of the States, we have got the Tenency Acts, and there is the impending imposition of a ceiling on land holdings. All these contribute to the breaking up of the joint family system. Therefore, Mitakshara joint families are no more on the order of the day. They are in a fading phase. So, so much of uproar on this joint family system is unnecessary, because it is a dying system. But unfortunately, some of the forces in this country who always swear by religion, who always impede social progress, who always stand in the way of development of the country today are raising a hue and cry. But I am sure their basis is very narrow and therefore they will fail with reference to this question as they failed several times in the past. In the last parliament they blocked the passage of the Hindu Code Bill. Soon after there was a general election. The party which sponsored this

measure came out in a majority. The leader of this party advocated this Bill, and he on every platform, I know was advocating in favour of this Bill, and his party came out in a large majority. It shows that the country is behind this measure. But the members of his party today oppose the measure.

My grievance against this Bill is that it is a compromise measure, that it has accommodated many of the view-points of the outmoded, out-dated orthodoxy. So, it has not followed very logically the steps it should have followed. It should have followed the recommendations of the Rau Committee and abolished the Mitakshara joint family system. The Rau Committee advocated the abolition of the Mitakshara system and the introduction of the Dayabagha system, a system which is now prevailing in Bengal, Assam and in some other parts. Our social system in the old days was dynamic. It was reasonable, it was pliable and it was adapting itself to the changing conditions. It can be known from the fact that the same Hindu law of inheritance was interpreted in different parts in different ways and we have the Dayabagha system in some parts and the Mitakshara system in the other parts. Those people who are now governed by the Dayabagha system are no less Hindus than those who are governed by the Mitakshara system. Therefore, we cannot say that the Dayabagha system is non-religious and the Mitakshara system is sacrosanct. It can be changed as conditions for its continuance have changed.

5 P.M.

Clause 6 of the Bill gives equal share to the daughter, but does not confer equal status on the daughter. Only when the father dies the daughter will have a share; but the son gets a share in the property as soon as he is born. He has also got the right to separate. Supposing all the sons separate themselves, what will happen to the share of the daughter? For such a contingency some provision should have been made. Unfortunately, no such provision has been made. The hon. Law Minister in his speech in the Rajya Sabha suggested an amendment which read as follows:

> "Provided further that a male coparcener who has taken his share in the coparcenary property for separate enjoyment on a partition before the death of the deceased shall not be entitled to succeed to the interests of the deceased in the coparcenary property."

Of course, it would have helped in a certain way. But I wonder why the Hon'ble Minister did not table this amendment.

[MR. SPEAKER *in the Chair*]

I say that he should have been more logical and given equality of status to the daughter by making her a coparcener or abolishing altogether the joint family system under the Mitakshara law.

I have strong objection to sub-clause (i) of clause 5 which excludes from this provision marriages under the Special Marriage Act, 1954. This exclusion will affect all the marriages performed under the Special Marriage Act, 1954. I would urge upon the hon. Law Minister to adopt an amendment which will enable such marriages also to come under the operation of this law. All the objections centre round one point, namely, that the joint family system will break if equality of status is conferred on the daughter. But, I am afraid their fears are unfounded. There is provision here to prevent fragmentation of land. We can enact land legislation in the States which can stop fragmentation. One can have a right to property, but fragmentation can be stopped. Some sort of compensation can be paid to the daughter also and fragmentation can be stopped. My point is that the law which is enacted to stop fragmentation should apply to sons as well as to daughters. If that is done, I welcome it. If you say that it will apply only in the case of the daughter and not in the case of the son, it is not right.

It is axiomatic that those who are economically independent are really independent. If one is not economically independent, one cannot claim independence. If one has to depend on others for his maintenance, one surrenders one's freedom. Therefore, to say that because the wife will inherit the property of the husband, she should not inherit the property of her father is not correct. If the wife comes to the husband's house as the heir of some property, she can claim some respect from the husband. She is an economic entity and she is entitled to claim respect. That is the reason why the daughter should inherit the property of the father,

Pandit Thakur Das Bhargava: Why should she inherit the father and not the father-in-law.

Shri B. C. Das: The wife will inherit the father-in-law only after the father-in-law's death. The father-in-law must die first.

An Hon. Member: Why not wife?

Mr. Speaker: Here also, when the father is alive, there is no inheritance. Here also the father must die.

Shri B. C. Das: My objection to this provision is this. According to this provision, the daughter can inherit only after the death of the father, whereas the son can inherit on his birth. I want that the daughter also must have the right to inherit on her birth. There should be no differentiation between the son and the daughter. This is the logical principle that should be adopted. But, unfortunately, just as all the measures of the Government are a compromise with reaction, this is also a compromise with orthodoxy and an outmoded system. That is why they want to give a long lease of life to the Mitakshara system which is outmoded and which does not serve any social purpose. Our new social laws, political laws and solcial thoughts go against this joint family system, which once helped up to grow, but which today stands as an impediment to the further development of our society. Therefore, it is a system which should be done away with. Let the Government take courage in both hands and tell the people that we want a social order which is really democratic and which is going to help us to build a socialist pattern and that is why we want women to become equal partners. They should have equal status and not an inferior status. That is why I request the Government not to compromise with reaction, because they have got vested interest and once you allow them some concession because they have got legal luminaries they will try to render this measure ineffective.

Shrimati Ammu Swaminadhan: I feel very happy today that after all these years when we have been discussing this question about this piece of legislation, it has actually come very near the end and that it is going to emerge as an Act in this free India. I was very surprised to hear some of the hon. Members saying, "why do we want to hurry with such a legislation?" I do not know where the hurry happens to be, because we have had this from 1937 and for nearly 20 years people have spoken about it. People all over the country have discussed about it. Of course, a great number of people have been against it, but that does not mean that the legislation is being hurried through. I am also very surprised that today when women are taking their responsible positions in all walks of life in this country, even today some hon. Members feel that if they get equal rights with regard to property, everything will go wrong and they will not be able to carry out their responsibilities properly. If Members feel that way, they should not allow women to come to this House at all. Why should we come to this House at all, if we are not able to carry out the responsibilities that are entrusted to us. Only when this question of money comes, all these difficulties seem to be talked about.

I do not understand why parents should make any difference between boys and girls. I come from a very happy part of India where we have never had this distinction and where we have always had absolute equality. That is why I find it very difficult to understand why some Members—I find there are some women Members also—feel rather afraid of giving an equal portion of the property to girls. I feel that we women coming from Malabar have shown to the world that we are able to look after the responsibility that is entrusted to us. Malabar today is a part of the Madras State. As far as literacy is concerned, we stand the highest. The only reason for that is that women have had a say in the matter of education of the children and they do not want to make any difference between boys and girls.

It was also surprising to me to hear some Members speak about Rama and Sita. Why go so far back into history? We do not know them. We do not know in what conditions the people lived. Is it not better to be nearer to our time and speak about Mahatma Gandhi, whom we revere and whom we acknowledge as the Father of the Nation? What did he say? He always said that if India is to be free, the men and women of this country must work together. What does that mean? Why should men and women work together if men are to have all inheritance in regard to property and women nothing at all? Why are we not

thinking in terms of what our great leader, whom we all acknowledge as the leader, said when he started the non-co-operation movement? In one of the first speeches he had said that if women want to enjoy all the rights in free India they must also come forward and work in the non-co-operation movement. Women in thousands came forward at his call. Women did take part in the satyagraha movement and went to jail in hundreds. Why did not these hon. Members who are opposing this Bill with regard to property rights, tell the women to stay at home and that they should not take part in this? Why didn't they say, you are not fit to take part in the non-co-operation movement, only men should take part? Why did they allow women to go forward if they did not want to give them any responsibility in free India?

When we speak about a socialist pattern of society, as some hon. Members have done, we have to think in terms of equality between men and women. I do not at all understand where the difficulty lies. I am not a lawyer. I am not able to speak about legal points. I am not a learned person in the Vedas and so I am not able to quote Sanskrit slokas. But, we have to think in terms of the realistic life of today. The whole world is moving forward. Why should we alone in India not be progressive as in the other parts of the world? We have acknowledged that women can occupy responsible places. If they can do that, surely, in the matter of inheritance alone, they cannot be said to be not fit to inherit the father's property or the husband's property. I feel that if only all of us will think a little more in this matter, there will be no opposition. In all humility I would ask the hon. Members to turn to Kerala where the hon. Minister has gone and seen for himself how things work. If you will only see what is happening and what has happened there all these years when women have had equal right. I am sure you will agree that women can have equal right and nothing terrible will happen in this country if they had equal rights.

In fact, I feel that women are better custodians of property than men. It is said that women would not be able to use whatever they get in a responsible manner. May I ask if men who have inherited have also not squandered the properties in their own way? I feel sure that in this case, if women were entrusted with the properties, they would not have squandered them like that. Women are not of that nature. They like security. They like to feel that their children will have security. The money that they inherit is not meant for themselves, to buy jewels, grand clothes, etc. The money is a trust for the children. Women have more love for the children than men have. I do not say that they do not also love their children. But, they do not feel the same responsibility towards the children as the women. Once again, if I may ask, please do not get lost in thinking in terms of Rama and Sita. They were Gods and Goddesses. We cannot reach up to them. We do not know what the ordinary people in those days did. Today just think of abducting a princess like that. We have a law which will enable us to get back abducted women. We do not have to fight battles. What is the use of comparing life today with the life in the time of Rama and Sita? I feel that we must all look at this question with reason and in a realistic manner. I feel that in a few years to come, there will not be any property left and I do not think there is much chance of women getting so much property in this country. Whatever it is, let us feel that we both belong to this country and that we have equal rights and that it is the one thing that we have got in free India.

I do not want to take the time of the House because I come from a part of the country in which we have equal rights.

Shri A. M. Thomas: Preferential rights.

Shrimati Ammu Swaminadhan: We do not have superior rights. That is a wrong conception. We certainly have equal rights, but not superior rights. This wrong conception is due to the fact that the idea of women having equal rights has always been not in the mind of the men of this country and if they have equal rights, they at once think that they have superior rights. We do not have superior rights. I come from a Marumakkattayam family myself and I know what rights we have. I do not for a moment admit that there is any superior right. Even if there is a superior right, why should it not be there? What is the harm in that? If women can look after the children well, if they can have the children educated, if they can see that their future is made secure, there is no harm in that. They

[Shrimati Ammu Swaminadhan]

are mothers, they are wives, they are sisters, they are daughters. Why should you grudge to give them the same equal share with the sons, brothers and nephews? I am sure that if we look at this Bill in that way, there will be no opposition to this at all. If there are any legal points which have to be right. I hope that that would be done by the Law Minister who will understand all the legal difficulties. I feel sure that he will set right if there is any difficulty.

श्री अजित सिंह (कपूरथला भटिंडा, रक्षित अनुसूचित जातियां) : जनाब स्पीकर साहब, मैं आपका शुक्रिया अदा करता हूं कि आपने मुझे बोलने का मौका दिया । अगर यह बिल आज से बीस साल बाद आता तो मैं इसको सपोर्ट (समर्थन) करता ।

पंडित के० सी० शर्मा : (जिला मेरठ—दक्षिण) : आप यही तसव्वुर (कल्पना) कीजिये ।

श्री अजित सिंह : आज इस बिल की शक्ल जो है वह बहुत डिफेक्टिव (अपूर्ण) है । इस बिल का हमारे तीन चार पहलुओं पर असर पड़ता है यानी पोलीटिकल (राजनीतिक), सोशल (सामाजिक), इकानामिक (आर्थिक) और रिलीजस (धार्मिक) पहलुओं पर इसका असर पड़ता है । इस बिल पर सन् ३७ से सोच विचार होता आ रहा है । मगर हमको सोचना चाहिये था कि इसको ठीक फार्म (रूप) में किस वक्त लाना चाहिये था । सन् १९४७ में हम आजाद हुए । उसके बाद इन चीजों को सोचने का मौका मिला । हमने सबसे पहले अपनी इकानामिक (आर्थिक) हालत को सुधारने पर सारा जोर लगाया । हमने पहली फाइव इयर प्लान (पंचवर्षीय योजना) बनायी । अब दूसरी बनायी है । देश का डेवेलपमेंट (विकास) करने के लिये बहुत सी इंडस्ट्रीज (उद्योग) खोलीं, जमीन का कंसालीडेशन (एकीकरण) करने का भी प्रबन्ध किया । कई जगह आज लैंड (भूमी) का कंसालीडेशन हो भी रहा है । अब हम लोग सीलिंग (अधिकतम सीमा) की बात करते हैं । कई जगह सीलिंग किया जा रहा है । इसका असर क्या होगा । आपके कानून का असर जमीन पर यह होगा कि एक लड़की शादी के बाद अपने बाप से जमीन का हिस्सा लेनें आवेगी और इस तरह से जमीन के टुकड़े हो जायेंगे और जो आप कंसालीडेशन पर आज इतना खर्च कर रहे हैं वह बेकार जायेगा । अब अगर बाप अमीर हुआ तो वह लड़की को पैसे दे देगा और अपनी जमीन बचा लेगा । लेकिन अगर बेचारा बाप गरीब हुआ तो वह कहां से पैसा देगा । वह पैसा नहीं दे सकेगा और वह लड़की उस जमीन के दूसरे शरीकों के पास जायेगी। कोई जमींदार यह नहीं चाहता है कि उसके शरीक उसकी जमीन को लें वे या उसकी जायदाद को वह ले लें और इस बिल का असर यह पड़ेगा कि आपस में झगड़ेबाजी और फूट बढ़ जायगी और इस बिना पर मैं इस बिल को सपोर्ट (समर्थन) करने से कासिर (असमर्थ) हूं ।

मैं पंजाब से आया हूं और पंजाब के हालात से अच्छी तरह वाकिफ हूं और मैं जानता हूं कि पंजाब के लोग इस बिल के सख्त मुखालिफ हैं और वे इस बिल को अपने यहां लागू होने देना नहीं चाहते । है लेकिन अगर क्लाज (खण्ड) ५ में एक इस तरह का प्रोविजन (उपबन्ध) जोड़ दिया जाय कि । This Act shall not apply to—

Any properties or persons in the Punjab State.

तो मैं इस बिल को स्वीकार कर सकता हूं ।

मैं आपसे निवेदन कर रहा था कि हम इस बिल को क्यों नहीं अच्छा समझते हैं और उसकी खास वजह वह है कि इस की वजह से हमारे गांवों में झगड़ेबाजी और मुकद्दमेबाजी बढ़ जायगी और लोग लिटिगेशन माइंडेड (वादप्रिय) हो जायेंगे । अब श्री एस० एस० मोरे इस बिल को बहुत अच्छा बिल बतलाते हैं और वह ऐसा क्यों न बतलायें क्योंकि वह तो ऐडवोकेट हैं और इसके अन्दर उनको अपनी वकालत चलाने का काफ़ी मौका मिल जायगा । हमारे गरीब और अनपढ़े किसान लोग लिटिगेशन (मुकद्दमेबाजी) के झगड़ों में फंस जायेंगे । हम तो चाहते हैं कि यह बिल पास न किया जाय जिससे कि और हमारे वकील लोगों को जो भोली भाली लड़कियों को चाट जायेंगे इसका मौका न दिया जाय.....

पंडित के० सी० शर्मा : यह लड़कियों को चाट जायेंगे "This is unparliamenary."

Ch. Ranbir Singh (Rohtak): He is only repeating the words.

Pandit K. C. Sharma: On a point of order, Sir. The expression that—

'लड़कियों को चाट जायेंगे' is unparliamentary

Shri A. M. Thomas: What is the meaning of that?

Mr. Speaker: I am not able to follow anything in his laughter.

Pandit K. C. Sharma: The hon. Member says that if this Bill is passed, then a certain section, that is the lawyers including Members of Parliament—he refers to Shri More—will eat away the innocent young girls.

Shri Ajit Singh: No Sir, I did not say that.

Mr. Speaker: Nobody can eat away another. We are not cannibals. It is a kind of expression. That means all the property acquired by a girl would be lost in litigation. Anyhow, a more elegant expression may be used if that is the meaning.

श्री अजित सिंह : जनाबवाला (श्रीमान), मैं ने वही लफ्ज (शब्द) दोहराये हैं। इस बिल के लिये यह कहा जा रहा है कि हम औरतों और मर्दों में इक्वेलिटी (समानता) लाने के लिये इसको ला रहे हैं। मैं पूछता हूं कि आखिर इक्वैलिटी से उनका मतलब क्या है ? जैसा कि हमारे बुजर्ग नेता श्री टंडन ने फरमाया था कि स्त्री पुरुष को तो भगवान ने ही ईक्वल नहीं बनाया है तो आप कैसे जबरदस्ती उनको एक समान कर सकते हैं। जहां आप लड़की को उसके पिता की सम्पत्ति में अधिकार दिलाने की बात करते ह वहां इस तरह का भी कानून में कोई प्राविजन (उपबन्ध) रखिये कि अभी तक जो बाप के मरने के बाद उसका बेटा ही कर्जा वगैरा अदा करनेका जिम्मेदार होता है तो अब आगेसे लड़की भी उस कर्जके अदा करने में हिस्सेदार बने और ऐसा करना जरुरी है क्योंकि आप उनको बराबरी का दर्जा देना चाहते हैं।

इस बिल का प्रभाव हमारे डेवलपमेंट (विकास) पर बहुत खराब पड़ेगा और डेवलपमेंट का कार्य रुक जायगा। कोई बाप ऐसा नहीं करेगा कि अपने लड़कों और बच्चों को बिल्कुल भूखा मारने के लिये छोड़ देगा। आपने स्टेट ड्यूटी बिल (सम्पत्ति शुल्क विधेयक) बनाया और दूसरे बिल बनाये और इस बिल को जिसको कि आप बनाने जा रहे हैं, इससे झगड़ेबाजी बढ़ेगी और लोग अपनी इमारतें बनाना बंद कर देंगे और इसका असर यह पड़ने वाला है कि लोगों का बड़े बड़े कारखाने और प्रापर्टीज (सम्पदा) बनाने के लिये दिल नहीं होगा।

एक माननीय सदस्य : क्यों ?

श्री अजित सिंह : क्योंकि उनको यह अंदेशा (भय) लगा रहेगा कि लड़कीयां ले जायेंगी। अगर इस कानून को आज स बीस वर्ष बाद लगाते तो हमार देश का जो सोशल स्ट्रक्चर (सामाजिक ढांचा) है वह चेंज (परीवर्तित) हो चुका होगा और हम लोग यह समझने लग जायेंगे कि यह जो सारी जमीन है स्टेट (राष्ट्र) की है और मैं समझता हूं कि वह वक्त आने वाला है जब सारी जमीन लोगों की नहीं रहेगी और वह गवर्नमेंट की बन जायेंगी और जितने भी बैंक, कारखाने और इंडस्ट्रीज (उ ोग) हैं वे सब गवर्नमेंट की हो जायेंगी और उस वक्त हमें कोई तकलीफ नहीं होगी कि कौन उसको ले जाता है लडकी ले जाती है या लडका ले जाता है और जो उस पर काम करेगा वह उसको ले जायेगा।

हम इस बिल को पास तो इसलिये करने जा रहे हैं कि यह डाउरी सिस्टम (दहेज पद्धति) बंद हो जाय लेकिन मैं देख रहा कि इस कानून के द्वारा इनडाइरेक्ट (अप्रत्यक्ष) डाउरी सिस्टम जारी रहेगा। अभी तो हालत यह है कि लड़की का बाप कहीं से चार, पांच हजार रुपये जुटा कर लडकी के हाथ पीले कर देता है और जैसे भी होता है लड़कों वालों को दहेज जुटा कर शादी कर देता है, अब इस कानून के बाद यह होने वाला है कि हर एक नौजवान लड़का शादी करने से पहले यह देखेगा कि किस लड़की के बाप के पास ज्यादा प्रापरटी है और कौन ज्यादा दे सकता है और वह उसी की लड़की से शादी करने पर रजामंद होगा जहां से कि उसको काफी प्रापरटी में हिस्सा मिलने की उम्मीद होगी और इसका नतीजा यह होगा कि गरीब आदमी के लिये दामाद मिलना मुश्किल ही जायेगा। गरीब आदमी कैसे अपनी लड़की की शादी कर सकेगा। इसलिये मैं समझता हूं कि वह जो बिल है यह हमारे लिये नुकसानदेह साबित होगा।

इस बिल को जो आज लाया जा रहा है उसके बारे में तो मुझे लार्ड टैनिसन की यह बात याद आ जाती है जो उन्होंने कहीं थी :

> "The old order changeth yielding place to new and God fulfills himself in many ways. Lest one good custom should corrupt the world."

मैं समझता हूं कि इस बिल को लाने के लिये आज के हालात उपयुक्त नहीं हैं और मंत्री महोदय को चाहिये कि लोगों में इसके विरुद्ध जो तीव्र भावना है उसको देखते हुए इस बिल को वापिस ले लें।

आखिर में मुझे एक बात यह कहनी है कि जैसा कि टंडन जी ने भी फरमाया था कि अगर हम औरतों को हक देनाही चाहते हैं तो हमें मदर (माता) और वाइफ (पत्नी) इन दोनों को हक

[श्री अजित सिंह]

देना चाहिये न कि लड़की को हक दे कर भाई बहनों और लड़की और मां बाप में झगड़ा कराया जाय ।

मैं अन्त में और अधिक न कह कर मंत्री महोदय से इस बिल को वापिस लेने के लिये अनुरोध करता हूं ।

Some Hon. Members: *rose.*

Mr. Speaker: Shri Pataskar. Other hon. Members on the clauses.

Shri Pataskar: I am happy that in spite of some very passionate speeches there has been generally an undertone which clearly indicated that the majority of the Members of this House were in favour.....

Pandit Thakur Das Bhargava: Question.

Shri Bansal (Jhajjar-Rewari): Question.

Some Hon. Members: Question.

Shri Debeswar Sarmah (Golaghat-Jorhat): You are right.

Shri Bhagwat Jha Azad: Count the numbers. I want to know the number.

Shri Debeswar Sarmah: The hon. Minister is very right.

Shri Pataskar: I am sorry that Members have not the patience to allow me to complete the sentence. I am sure they will agree with me when I complete it. The majority of the Members are in favour of doing justice to women—that is what I was going to say. First of all, I wanted to compliment them for that. I am sure they want justice to be done, whatever the other differences. They thought something was going to be hurriedly passed and.....

Shri Debeswar Sarmah: Please do not yield to pressure.

Shri Pataskar: I will not yield to pressure one way or the other.

Shri R. P. Garg: Not pressure, but noise.

Shri Pataskar: Shall I continue tomorrow?

Mr. Speaker: Yes, it is now 5-30 P.M.

5-30 P.M.

The Lok Sabha then adjourned till Half Past Ten of the Clock on Wednesday, the 2nd May, 1956.

DAILY DIGEST

[*Tuesday, 1st May, 1956*]

COLUMNS

PAPERS LAID ON THE TABLE . . . 6837
The Deputy Minister of Production (Shri Satish Chandra) laid on Table a copy of the Report on the working of the Central Silk Board for the period from 1st April, 1955 to 31st December, 1955.

REPORT OF SELECT COMMITTEE PRESENTED . . . 6837
Shri Altekar presented the Report of the Select Committee on the Proceedings of Legislatures (Protection of Publication) Bill.

COLUMNS

BILL UNDER CONSIDERATION . . 6837 6952
Further discussion on the motion to consider the Hindu Succession Bill, as passed by Rajya Sabha, moved by Shri Patas-kar on the 12th December, 1955, was continued. The discussion was not concluded.

AGENDA FOR WEDNESDAY, 2ND MAY, 1956—
Further discussion on the Hindu Succession Bill.

GIPN -S2—105 Lok Sabha—56—8-2-57—840.